

January 5, 2000

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of January 2000 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material~~ is (~~lined out between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 24, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 8, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
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00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

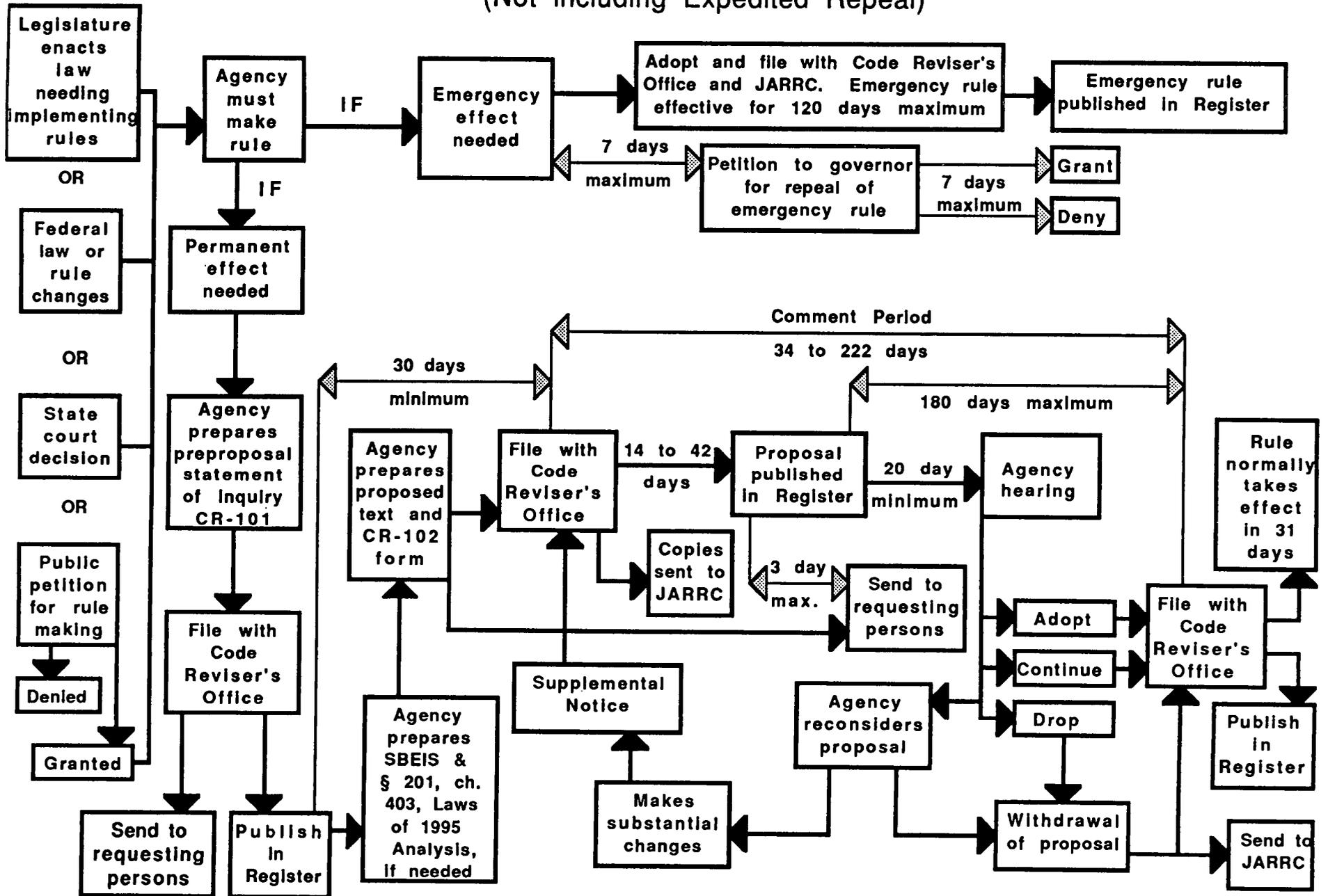
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 00-01-018**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed December 6, 1999, 9:14 a.m.]

Subject of Possible Rule Making: Logic and accuracy testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.33.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will clarify when an emergency logic and accuracy test must be performed.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Floyd, P.O. Box 40237, Olympia, WA 98502-0237, phone (360) 664-3442, fax (360) 664-2917, e-mail pam@secstate.wa.gov.

December 6, 1999

Donald F. Whiting

Assistant Secretary of State

WSR 00-01-019**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed December 6, 1999, 9:14 a.m.]

Subject of Possible Rule Making: Certification of elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.080, 29.04.210, 29.36.150, 29.79.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will clarify exactly which multijurisdictional district election results need to be sent to the Secretary of State's Office, thus saving money and time for both counties and state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Floyd, P.O. Box 40237, Olympia, WA 98504-0237, phone (360) 664-3442, fax (360) 664-2917, e-mail pam@secstate.wa.gov.

December 6, 1999

Donald F. Whiting

Assistant Secretary of State

WSR 00-01-029**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed December 7, 1999, 10:46 a.m.]

Subject of Possible Rule Making: Rules to permit the lottery to cash out the annuity prizes of prior winners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering passing new rules to add to chapter 315-06 WAC, as well as passing other new rules, amending rules and repealing rules as necessary, to permit the lottery to cash out the annuity prizes of past prize winners.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Jane Ferguson, Rules Coordinator, at (360) 664-48933 [664-4833], fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 6, 1999

Mary Jane Ferguson

Rules Coordinator

WSR 00-01-031**PREPROPOSAL STATEMENT OF INQUIRY
COMMISSION ON
JUDICIAL CONDUCT**

[R.D. 99-04—Filed December 7, 1999, 11:09 a.m.]

Subject of Possible Rule Making: Rules for confidentiality of proceedings. Conceptual rule shown below.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 2.64 RCW and Article IV, Section 31, State Constitution.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is directed to provide for rules of procedure and for confidentiality.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Solicit comments from the public, judges, and lawyers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comment for rule making is invited. Please send comments to Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507. Comments may also be faxed to (360) 586-2918. After receiving comments, future action

will be considered. Please submit comments on or before March 3, 2000.

December 7, 1999
David Akana
Executive Director

PREPROPOSAL INQUIRY POSSIBLE RULE MAKING

RULE 11. CONFIDENTIALITY

(a) Investigative and initial proceedings.

(1) Before the commission files a statement of charges alleging misconduct by or incapacity of a judge, all proceedings, including commission deliberations, investigative files, records, papers and matters submitted to the commission, shall be held confidential by the commission, disciplinary counsel, investigative officers, and staff except as follows:

(A) With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the person making the complaint to respondent pursuant to Rule 17(e).

(B) The commission may inform a complainant or potential witness when respondent is first notified that a complaint alleging misconduct or incapacity has been filed with the commission.

The name of the respondent, in the discretion of the commission, may not be used in written communications to the complainant.

(C) The commission may disclose information upon a waiver in writing by respondent when:

(i) Public statements that charges are pending before the commission are substantially unfair to respondent; or

(ii) Respondent is publicly accused or alleged to have engaged in misconduct or with having a disability, and the commission, after a preliminary investigation, has determined that no basis exists to warrant further proceedings or a recommendation of discipline or retirement.

(D) The commission has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice.

(2) Except as provided under Rule 11, the fact that a complaint has been made, or that a statement has been given to the commission, shall be confidential during the investigation and initial proceeding.

(3) No person providing information to the commission shall disclose information they have obtained from the commission concerning the investigation, including the fact that an investigation is being conducted, until the commission files a statement of charges, dismisses the complaint, or otherwise concludes the investigation or initial proceeding.

(b) Hearings on statement of charges.

(1) After the filing of a statement of charges, all subsequent proceedings shall be public, except as may be provided by protective order.

(2) The statement of charges alleging misconduct or incapacity shall be available for public inspection. Investigative files and records shall not be disclosed unless they formed the basis for probable cause. Those records of the initial proceeding that were the basis of a finding of probable

cause shall become public as of the date of the fact-finding hearing.

(3) Disciplinary counsel's work product shall be confidential.

(c) Commission deliberations. All deliberations of the commission in reaching a decision on the statement of charges shall be confidential.

(d) General Exceptions.

(1) A complainant may inform any third party, or the public generally, of the factual basis of his or her complaint.

(2) Any person, other than a complainant, who gives a statement to the commission, may inform any third party, or the public generally, of the factual basis of such statement.

(e) General Applicability.

(1) No person shall disclose information obtained from commission proceedings or papers filed with the commission, except that information obtained from documents disclosed to the public by the commission pursuant to Rule 11 and all information disclosed at public hearings conducted by the commission are not deemed confidential under Rule 11.

(2) Any person violating Rule 11 may be subject to a proceeding for contempt in superior court.

(3) A judge shall not intimidate, coerce, or otherwise attempt to induce any person to disclose, conceal or alter records, papers, or information in violation of Rule 11. Violation of Rule 11 (e)(3) may be charged as a separate violation of the Code of Judicial Conduct.

(4) If the commission or its staff initiates a complaint under Rule 17 (b)(1), Rule 11 (a)(1) as it applies to the commission, rather than those applicable to complainants, shall govern the commission and its staff.

Comment:

The integrity of investigations would be harmed, the privacy interests of individuals, and the independence of the judiciary would be adversely affected without providing for limited restrictions of information learned or provided to the Commission during the investigation. Confidentiality is critical for the integrity of the Commission investigations, and often influences whether a person who works directly with a judge is willing to file a complaint or disclose misconduct in an investigation. Prohibiting disclosure that a complaint has been filed, or that a person has been interviewed, protects those persons from questioning by their supervising judge, or by others. The confidentiality required during the investigation of a complaint also protects the independence of the judiciary by preventing unfounded complaints from being used to threaten or distract judges. After considering alternate ways of providing this necessary protection, the Commission has concluded that the restrictions on public disclosure in this rule are the narrowest restrictions that will provide the confidentiality needed for persons who disclose misconduct or file complaints and for the judges under investigation.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Commission on Judicial Conduct and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-01-034

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 7, 1999, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, General provisions for vessel subject to and exempt from titling, to include but not limited to WAC 308-93-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070, 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

December 6, 1999

D. McCurley, Administrator
Title and Registration Services

WSR 00-01-035

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 7, 1999, 11:23 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Manufactured home certificates of ownership, to include but not limited to WAC 308-56A-500.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.20.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,

or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

December 6, 1999

D. McCurley, Administrator
Title and Registration Services

WSR 00-01-036

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 7, 1999, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, General provisions for registration of vehicles, to include but not limited to WAC 308-96A-005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

December 6, 1999

D. McCurley, Administrator
Title and Registration Services

WSR 00-01-042

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Professional Athletics)

[Filed December 7, 1999, 2:39 p.m.]

Subject of Possible Rule Making: Boxing, chapter 36-12 WAC, wrestling, chapter 36-13 WAC and martial arts, chapter 36-14 WAC, rules update to the Professional Boxing, Martial Arts and Wrestling Act, chapter 67.08 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional athletics program regulates boxing, wrestling and martial arts events. To insure the health, safety and welfare of the participants, a rules review is in order.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Schneider, Deputy Administrator, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 753-3713, fax (360) 664-2550.

December 7, 1999
Michael Schneider
Deputy Administrator

Location and Date of Public Meeting: January 26, 2000, at 9:30 a.m., 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date TDD 1-800-451-7985 or (360) 586-0721.

December 7, 1999
Claire Hesselholt
Rules Manager
Legislation and Policy Division

WSR 00-01-044

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed December 7, 1999, 2:41 p.m.]

Subject of Possible Rule Making: Amending WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.041 Nonprofit homes for the aging, and 84.36.865 Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1999 legislature amended RCW 84.36.041 regarding homes for the aging that are completed or begin operations after the January 1st assessment date and the definition of "eligible resident." If a home becomes operational after January 1st, the number of dwelling units occupied by eligible residents on December 31st of that assessment year will determine the size of the property tax exemption. For all subsequent assessment years, the number of units occupied on January 1st will determine the size of the exemption. Chapter 356, Laws of 1999, also included a change in the definition of "disposable income" that reflects a change in the United States Internal Revenue Code. The proposed changes to both rules are intended to make the rules reflect the current state of the law. Proposed amendments to WAC 458-16A-020 also include revisions that relate to subsidies received from government entities and delete a processing deadline not authorized by statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0086, fax (360) 664-0693.

WSR 00-01-050

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 8, 1999, 2:00 p.m.]

Subject of Possible Rule Making: WAC 388-478-0070 and 388-478-0080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to adopt new federal standards, effective January 1, 2000, regarding the one-person medically needy income level (MNIL) and the SSI standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 586-0910, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

December 8, 1999
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-01-052

**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed December 9, 1999, 10:28 a.m.]

Subject of Possible Rule Making: Retailer compensation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering revising, amending, and/or repealing rules within chapter 315-04 WAC and other WACs as necessary, in addition to adding new rules, applicable to retailer compensation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 8, 1999
Mary Jane Ferguson
Rules Coordinator

WSR 00-01-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed December 16, 1999, 9:36 a.m.]

Subject of Possible Rule Making: Revision of chapter 308-04 WAC to further define dishonored check handling practices and charges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule changes will help to define requirements of all vehicle licensing offices when dealing with dishonored checks.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walt Fahrer, Department of Licensing, 1125 Washington Street S.E., P.O. Box 9020, Olympia, WA 98507-9020, fax (360) 753-7500.

December 16, 1999
Walt Fahrer
Rules Coordinator

WSR 00-01-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 16, 1999, 3:49 p.m.]

Subject of Possible Rule Making: Elimination of residency requirements for the state family assistance (SFA) program, WAC 388-424-0015 Citizenship and alien status—Eligibility requirements for the state family assistance program, subsection (1) and related sections need to be amended.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change will result in the equitable treatment of immigrants under SFA and have it coincide with the temporary assistance to needy families (TANF) program in which residency requirements are no longer being enforced.

Process for Developing New Rule: The Department of Social and Health Services (DSHS) welcomes the public to take part in developing this rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Yanagida, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3104, fax (360) 413-3493, e-mail yanagln@dshs.wa.gov.

December 16, 1999
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-01-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 16, 1999, 3:50 p.m.]

Subject of Possible Rule Making: WAC 388-513-1380 Institutional—Participation—Client cost of care, this rule adopts on a permanent basis, changes in the federal allocation standards for a community spouse, a dependent family member, and shelter expenses that became effective April 1, 1999, and January 1, 2000. These standards are currently adopted on an emergency basis.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and Section 1924(g) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule needs to be

amended to comply with federal requirements to ensure continued federal financial participation.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Kozak, Program Manager, Medical Assistance Administration, Mailstop 45534, Olympia, WA 98504-5534, phone (360) 725-1321, fax (360) 586-0910, TTY 1-800-848-5429, e-mail kozaksj@dshs.wa.gov.

December 10, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-01-110

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed December 17, 1999, 10:00 a.m.]

Subject of Possible Rule Making: WAC 458-20-165 Laundries, dry cleaners, and self-service laundries and dry cleaners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Revenue has received requests to amend WAC 458-20-165. These requests object to Rule 165's characterization that persons providing a laundry or linen supply service are providing a laundering service. The petitioners suggest that a laundry or linen supply service is more accurately characterized as a rental of tangible personal property.

The department has agreed to initiate rule making in response to these requests. A preproposal public meeting to solicit comments regarding possible changes to the rule has been scheduled.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, e-mail, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of potential changes to the rule will be available upon request after January 14, 2000. Written comments on and/or requests for copies of the rule may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-9040, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Location and Date of Public Meeting: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, at 1:30 p.m. on January 26, 2000.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

December 17, 1999

Claire Hesselholt

Rules Manager

Legislation and Policy Division

WSR 00-01-111

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed December 17, 1999, 10:00 a.m.]

Subject of Possible Rule Making: WAC 458-20-247 Trade-ins, selling price, sellers' tax measures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.08.010(1) defines "selling price" for the purposes of the retail sales tax to be the total consideration, except trade-in property of like kind, delivered by the buyer to the seller. RCW 82.12.010(1) provides the same trade-in exclusion for use tax purposes. Rule 247 explains how the trade-in exclusion applies. The rule provides pertinent definitions, examples of what qualifies as like-kind property, and explains the record-keeping requirements of sellers accepting trade-in property.

The department anticipates revising to Rule 247 to clarify how the trade-in exclusion applies when consignment property is being purchased.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Licensing administers the registration and licensing requirements of motor vehicles and vessels, and licensing agents often are required to collect use tax when a motor vehicle or trailer is registered. The Department of Revenue will be kept informed of and asked to comment on any proposed changes to Rule 247.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of potential changes to the rule will be available upon request after January 20, 2000. Written comments on and/or requests for copies of the rule may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-9040, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Location and Date of Public Meeting: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, at 9:30 a.m. on February 1, 2000.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

December 17, 1999
Claire Hesselholt
Rules Manager
Legislation and Policy Division

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516-5703, (360) 459-6462, fax (360) 459-6461.

December 16, 1999
Bruce Batson
Executive Secretary

WSR 00-01-129

**PREPROPOSAL STATEMENT OF INQUIRY
BATES TECHNICAL COLLEGE**

[Filed December 20, 1999, 9:12 a.m.]

Subject of Possible Rule Making: Chapter 495A-121 WAC, Student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To delineate the rights and responsibilities of students attending Bates Technical College.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the college has a policy-making process that includes conducting a hearing to ensure that all interested staff and students have an opportunity for input and comment on any proposed policy, procedure, or rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Jon Thorpe, Director of College Operations, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405-4895, fax (253) 596-1691. All comments must be received by January 31, 2000, at 5:00 p.m.

December 14, 1999
Jon G. Thorpe
Director of Operations

WSR 00-01-131

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed December 20, 1999, 9:20 a.m.]

Subject of Possible Rule Making: WAC 260-12-180 Safety equipment required, 260-52-020 Post position, and 260-24-650 Clocker(s).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review and update rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

WSR 00-01-132

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed December 20, 1999, 9:21 a.m.]

Subject of Possible Rule Making: WAC 260-12-001 Promulgation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review and update.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516-5703, (360) 459-6462, fax (360) 459-6461.

December 17, 1999
Bruce Batson
Executive Secretary

WSR 00-01-142

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 20, 1999, 2:56 p.m.]

Subject of Possible Rule Making: Unlawful firearms; muzzleloader firearms; bow and arrow requirements; non-toxic shot; special area closures; firearm restriction areas; hunting hours; small game, bear, cougar, deer and elk seasons and regulations; deer, elk, moose, bighorn sheep and mountain goat quotas; GMU boundary descriptions; use of decoys on department lands; auction permit procedures and land-owner damage hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.010, 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational opportunity for hunters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by February 15, 2000, rule proposal filing expected to be March 1, 2000.

December 20, 1999
Evan Jacoby
Rules Coordinator

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

December 17, 1999
Deborah McCurley, Administrator
Title and Registration Services

WSR 00-01-143

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 20, 1999, 2:58 p.m.]

Subject of Possible Rule Making: Listing the common loon as threatened, endangered or sensitive.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the endangered, threatened or sensitive species list to reflect the current status of the species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by February 15, 2000, rule proposal filing expected to be March 1, 2000.

December 20, 1999
Evan Jacoby
Rules Coordinator

WSR 00-01-154

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 21, 1999, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, General provisions for registration of vessels, to include but not limited to WAC 308-93-165 and 308-93-650.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

December 17, 1999
Deborah McCurley, Administrator
Title and Registration Services

WSR 00-01-153

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 21, 1999, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 308-94 WAC, General provisions for registration of snowmobiles, to include but not limited to WAC 308-94-010 and 308-94-160.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

WSR 00-01-155

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 21, 1999, 11:22 a.m.]

Subject of Possible Rule Making: WAC 388-87-060 Payment extended care—Coinsurance, 388-530-1750

Drugs/pharmaceutical supplies—TPL; related rules in chapter 388-86 and 388-87 WAC, and other chapters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.09.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Assistance Administration is establishing new chapters in WAC in order to concentrate the bulk of its rules in one area. Policies contained in existing rules are being rewritten into the new chapters, necessitating the repeal of resulting duplicative rules. At the same time, the proposed rules are being reviewed for the clear writing standards in the Governor's Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of the WACs. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Project, Medical Assistance Administration, Olympia, Washington 98501-5530, phone (360) 725-1345, fax (360) 586-9727.

December 20, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-01-156

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed December 21, 1999, 11:24 a.m.]

Subject of Possible Rule Making: Repealing WAC 388-87-019 Payment—Chiropractic services and 388-87-045 Payment—Blood, related rules in chapters 388-86 and 388-87 WAC, and other chapters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Assistance Administration is establishing new chapters in WAC in order to concentrate the bulk of its rules in one area. Policies contained in existing rules are being rewritten into the new chapters, necessitating the repeal of resulting duplicate rules. At the same time, the proposed rules are being reviewed for the clear writing standards in the Governor's Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on

the draft language of the WACs. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Project, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-2337, fax (360) 753-7315, e-mail myersea@dshs.wa.gov.

December 20, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-01-158

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 21, 1999, 1:17 p.m.]

Subject of Possible Rule Making: Redescribing Puget Sound commercial shrimp districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fishery has been evolving with additional shrimp grounds discovered. This has changed management plans with the tribes and created emergency rules to accommodate the new circumstances. This proposal will reduce the scope of emergency rule actions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944. Please provide comments by February 28, 2000. Expected filing date is March 1, 2000.

December 21, 1999

Evan Jacoby
Rules Coordinator

WSR 00-01-159

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 21, 1999, 1:20 p.m.]

Subject of Possible Rule Making: Recreational fishing rules for bottom fish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Pacific Fishery Management Council has passed rules in the exclusive economic

zone to reduce bag limits and seasons for certain species of bottom fish. In order to meet conservation requirements, complimentary regulations in adjacent and nearby state waters are necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944. Please provide comments by February 28, 2000. Expected proposal filing date is March 1, 2000.

December 21, 1999

Evan Jacoby
Rules Coordinator

WSR 00-01-160
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 21, 1999, 1:30 p.m.]

Subject of Possible Rule Making: Changes to commercial bottomfish gear.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A precautionary management approach has been adopted and numerous changes are required to meet the conservation needs of depleted groundfish stocks. Among these changes are gear modifications to reduce habitat damage and provide a greater geographic area refuge for depleted stocks/species associated with rocky bottom habitat.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944. Please provide comments by February 28, 2000. Expected filing date is March 1, 2000.

December 21, 1999

Evan Jacoby
Rules Coordinator

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 21, 1999, 3:24 p.m.]

Subject of Possible Rule Making: Redescribing Puget Sound commercial shellfish districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The shellfish fisheries have been evolving with additional grounds discovered and other co-management needs identified. This has changed management plans with the tribes and created emergency rules to accommodate the new circumstances. This proposal will reduce the scope of emergency rule actions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944. Please provide comments by February 28, 2000. Expected filing date is March 1, 2000.

December 21, 1999

Evan Jacoby
Rules Coordinator

PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed December 21, 1999, 3:34 p.m.]

Subject of Possible Rule Making: Various sections of chapter 180-82 WAC, Endorsements and assignment of certificated personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments would add supporting endorsements for teaching certificates in a number of subject areas and clarify the field experience requirement for supporting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.
December 20, 1999
Larry Davis
Executive Director

WSR 00-01-171**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed December 21, 1999, 3:36 p.m.]

Subject of Possible Rule Making: WAC 180-79A-299 Transition policies and 180-82-215 Implementation policies. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments would extend the deadline from 2003 to 2004 for individuals completing endorsements under requirements in effect through August 31, 2000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

December 20, 1999

Larry Davis
Executive Director**WSR 00-01-172****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed December 21, 1999, 3:37 p.m.]

Subject of Possible Rule Making: WAC 180-78A-100 Existing approved programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (1) and (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment will require that individuals who are in preparation programs operating under previous standards complete those programs in a timely fashion.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new,

amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

December 20, 1999

Larry Davis
Executive Director**WSR 00-01-173****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed December 21, 1999, 3:39 p.m.]

Subject of Possible Rule Making: WAC 180-78A-209 Professional education advisory boards—Membership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (1) and (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment would include representatives from the vocational community on professional education advisory boards for teacher preparation programs at colleges and universities where vocational programs are offered.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

December 20, 1999

Larry Davis
Executive Director**WSR 00-01-174****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 21, 1999, 4:38 p.m.]

Subject of Possible Rule Making: Crane attached personnel platforms, chapter 296-155 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new rules will bring cur-

rent requirements in national consensus codes, industry practices and other recognized standards into WAC. The incorporation of revised procedures and safeguards will reduce the potential for future injury or fatality. The proposed rules will make it easier for employers and workers to find, understand, and comply with requirements relating to personnel platforms and the hoisting of personnel platforms attached to the boom of cranes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known to regulate this subject.

Process for Developing New Rule: Questions, suggestions or comments should be addressed to the project manager, identified below. All interested parties may provide written comments, or oral testimony, during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, fax (360) 902-5529.

December 21, 1999

Gary Moore
Director

WSR 00-01-179

**PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD**

[Filed December 22, 1999, 8:38 a.m.]

Subject of Possible Rule Making: Masters in education reimbursement program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.80 RCW and section 611(3), chapter 309, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clearly define recipient eligibility and reimbursement amounts.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, voice (360) 753-7851, fax (360) 704-6251.

December 22, 1999

John Klacik
Associate Director

WSR 00-01-189

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 22, 1999, 10:20 a.m.]

Subject of Possible Rule Making: Medical aid rules updates regarding rate setting for most professional health care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payment for most professional health care services. These elements are set in rule in order to follow the established methodologies of the Department of Labor and Industries and maintain consistency with the Health Care Authority and Medical Assistance Administration. Specifically, the proposed rule changes will do the following:

(1) In WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

(2) In WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department is working with external stakeholders through its anesthesia and reimbursement technical advisory groups on the updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the Health Care Authority, the Medical Assistance Administration and the Health Care Financing Administration to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249, Internet dato235@lni.wa.gov.

December 22, 1999

Gary L. Moore
Director

WSR 00-01-191**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed December 22, 1999, 10:21 a.m.]

Subject of Possible Rule Making: Reimbursement methods and policies for health care providers outside the boundaries of Washington state who treat or provide services to Washington injured workers. These rules are included in chapters 296-20, 296-21, 296-23, and 296-23A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, chapter 51.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on a recent agency staff study and policy decision the Department of Labor and Industries is revising its reimbursement methods for out-of-state providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the department will work with agency staff, external stakeholders and advisory groups to develop the new rules for reimbursement methods for out-of-state providers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Evonne Peryea, Department of Labor and Industries, Policy and Economic Analysis Section, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6828, fax (360) 902-4249.

December 22, 1999
Gary Moore
Director

WSR 00-01-193**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**
[Filed December 22, 1999, 10:32 a.m.]

Subject of Possible Rule Making: Revise chapter 16-213 WAC to retain only buckwheat and broken corn standards with appropriate housekeeping changes to facilitate access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 22.09 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The portion of the rule proposed for deletion is obsolete and does not reflect current industry needs.

Process for Developing New Rule: Survey of services provided for affected stakeholders determined the validity of the standards targeted for repeal. Safflower seed standards, WAC 16-213-010 through 16-213-130; inspection and certification of shiplots and combined lots of Washington buckwheat, WAC 16-213-220; Washington stowage examinations, WAC 16-213-230; and rapeseed inspection, WAC 16-213-240 through 16-213-250 are not used. Safflower, rapeseed, and stowage examination inspection services are pro-

vided under USDA inspection criteria. No shiplot or combined lot inspections of Washington buckwheat have been performed since the establishment of this service in 1984. Potential repeal supported by Canola/Rapeseed Commission and Grain Inspection Advisory Committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randall R. Deike, Grain Inspection Program Manager, Commodity Inspection Division, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1921, fax (360) 902-2085, TDD (360) 902-1996.

December 22, 1999
Robert W. Gore
Assistant Director
Commodity Inspection Division

WSR 00-01-197**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**
[Filed December 22, 1999, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 314-10 WAC, Sale and distribution of tobacco products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, chapter 70.155 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules regarding the sale and distribution of tobacco products.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail teb@liq.wa.gov.

December 22, 1999
Eugene Prince
Chair

WSR 00-01-198**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**
[Filed December 22, 1999, 11:29 a.m.]

Subject of Possible Rule Making: Chapter 314-14 WAC, Alcohol server training program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules regarding the mandatory alcohol server training program instituted by RCW 66.20.300.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail teb@liq.wa.gov.

December 22, 1999

Eugene Prince
Chair

WSR 00-01-199

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed December 22, 1999, 11:29 a.m.]

Subject of Possible Rule Making: Chapter 314-70 WAC, Disposition of liquor stock following discontinuance of business and/or lawful seizure of liquor by a governmental agency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.28.070, chapter 66.32 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules regarding the disposition of a business' liquor stock following discontinuance of business and/or lawful seizure of its liquor by a governmental agency.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail teb@liq.wa.gov.

December 22, 1999

Eugene Prince
Chair

WSR 00-01-202

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed December 22, 1999, 11:37 a.m.]

Subject of Possible Rule Making: Establishing and implementing practice permits as required under chapter 18.210 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.210.050 and 18.210.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SSB 5821, which was codified as chapter 18.210 RCW requires that practice permits be established and implemented by July 1, 2000. These rules will provide the information needed for on-site system designers to apply for and obtain the required practice permit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Vincent Jr., Manager, On-site Program, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-1321, fax (360) 664-2551.

January [December] 22, 1999

George A. Twiss
Executive Director

WSR 00-01-084

**EXPEDITED REPEAL
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 14, 1999, 2:58 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-86-067 Mental health services, 388-87-067 Payment—Hospice services, 388-87-077 Payment—Mental health services, 388-529-2940 Scope of care—Children's health, and 388-529-2950 Scope of care—Medically indigent.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: The policies contained in these rules have been incorporated into other adopted rules, making these rules duplicative. WAC 388-86-067 and 388-87-077 have been incorporated into WAC 388-551-1510, 388-551-1515, and 388-551-1530. WAC 388-87-067 has been incorporated into WAC 388-551-1000. WAC 388-529-2940 and 388-529-2950 have been incorporated into WAC 388-529-0100.

December 7, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-86-067 Mental health center services.
- WAC 388-87-067 Payment—Hospice services.
- WAC 388-87-077 Payment—Mental health center services.
- WAC 388-529-2940 Scope of care—Children's health.
- WAC 388-529-2950 Scope of care—Medically indigent.

WSR 00-01-117

**EXPEDITED REPEAL
MILITARY DEPARTMENT**

[Filed December 17, 1999, 12:38 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 118-03-330 Uniform procedural rules.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Joan Sterling, Legislative and Policy Analyst, Washington Military Department, Emergency Management Division, Mailstop TA-20, Building 20, Camp Murray, Washington 98430-5122.

Reason the Expedited Repeal of the Rule is Appropriate: This rule is obsolete as it was based upon chapter 1-08 WAC, Uniform procedure rules, that was repealed by the Office of the Code Reviser under WSR 91-10-010, filed April 19, 1991, effective May 20, 1991. The department is in the process of updating its rules in accordance with Executive Order 97-02.

December 7, 1999

Timothy J. Lowenberg
Major General
The Adjutant General

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 118-03-330 Uniform procedural rules.

WSR 00-01-118

**EXPEDITED REPEAL
MILITARY DEPARTMENT**

[Filed December 17, 1999, 12:46 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 118-06 WAC, Local emergency services organizations; chapter 118-07 WAC, Local emergency services plans; and chapter 118-08 WAC, Local emergency services program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Joan Sterling, Legislative and Policy Analyst, Washington Military Department, Emergency Management Division, Mailstop TA-20, Building 20, Camp Murray, Washington 98430-5122.

EXPEDITED REPEAL

Reason the Expedited Repeal of the Rule is Appropriate: Chapters 118-06, 118-07 and 118-08 WAC, regarding local emergency services organizations, plans and programs have been incorporated into chapter 118-30 WAC, Local emergency management/services organizations, plans and programs.

December 7, 1999
Timothy J. Lowenberg
Major General
The Adjutant General

REPEALER

The following chapters of the Washington Administrative Code are repealed:

- Chapter 118-06 WAC Local emergency services organizations.
- Chapter 118-07 WAC Local emergency services plans.
- Chapter 118-08 WAC Local emergency services programs.

WSR 00-01-130
EXPEDITED REPEAL
BATES TECHNICAL COLLEGE
[Filed December 20, 1999, 9:14 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 495A-120 WAC, Student conduct code, WAC 495A-120-010 through 495A-120-200.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Jon G. Thorpe, Director, College Operations, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 495A-120 WAC, Student conduct code is being replaced by chapter 495A-121 WAC, Student rights and responsibilities.

Jon G. Thorpe
Director of Operations

WSR 00-01-138

EXPEDITED REPEAL

DEPARTMENT OF AGRICULTURE

[Filed December 20, 1999, 10:37 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-112 WAC, Egg inspection—Invoices, bills of lading.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Andy Scarborough, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1830, fax (360) 902-2087.

Reason the Expedited Repeal of the Rule is Appropriate: The statute this section of rules was implemented under (chapter 69.24 RCW) was repealed by the Washington legislature in 1975. The need for having specific rules for "invoice" and "bill of lading" requirements is no longer of any appreciable benefit to consumers or the regulated industry. Computerization is replacing written accounts or itemized statements of shell eggs sent to the purchaser/consignee or dealer.

December 10, 1999
Candace A. Jacobs, DVM
Assistant Director

EXPEDITED REPEAL

WSR 99-24-028
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed November 23, 1999, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-073.

Title of Rule:

Title of Rule	Summary of Changes
388-155-010 Definitions	Adds definition of American Indian child.
388-155-100 Activities and routines	Allow the child. Offer a balance between interactive and passive activities.
388-155-110 Learning and play materials	The child shall be able to make choices without adult assistance among age-appropriate materials.
388-155-120 Provider-child interactions	Honoring the child in care and his or her race, religion, abilities, and family structure. Continuous visual or auditory contact, so that the provider is aware of children's activities at all times, including rest periods and evening care.
388-155-130 Behavior management and discipline	Prohibits use of highchair or infant seat for disciplinary purposes
388-155-150 Evening and nighttime care (major changes for homes regularly offering evening and nighttime care)	Special arrangements for bathing as needed. Individual bedding appropriate for overnight sleeping. Appropriate night wear and individual toiletry items for each child. Separate dressing and sleeping areas for boys and girls six years and older and demonstrating a need for privacy. <u>Provider must maintain staff-child ratios during sleeping hours and submit a plan to licensor to ensure safety and emotional well-being of children while they are sleeping. This is for providers doing full-time evening and night-time care.</u>
388-155-165 Transportation	Provider must keep a first aid kit, health history, emergency medical consent for each child in the vehicle while transporting the child.
388-155-170 Parent communication	Policy and health care plan combined. Health care plan now called Health Care Practices.
388-155-230 Medication management	Class II narcotics, such as Ritalin, must be kept locked. Provider may have a policy of not giving medication unless a child has a recognized special need/disabling condition requiring medication.
388-155-270 Care of young children	Nonabsorbent pad, large enough to position child's upper body and buttocks on the pad for diaper changing. Do away with bumper pads in cribs (latest information shows bumper pads can contribute to SIDS deaths). Infants must be put to sleep in a position consistent with American Academy of Pediatrics recommendations.

388-155-280 General safety, maintenance and site	Keeping the premises free from pests etc., using the least toxic method available, and notifying children's parents of chemical usage. Guns or firearms must be kept in locked storage. No toxic substances stored with food products, must be stored inaccessible to children. Any pet or animal demonstrating aggressive behavior must be inaccessible to children in care. Wheeled baby walkers are prohibited. Trampolines and rebounders are prohibited.
388-155-290 Water safety	Adequate cover or barrier must be in place to prevent the child access at all times to heated tubs, whirlpools, spas, tanks, or similar equipment. Five foot non-climbable fence with gates locked when not in use is required around water hazards.
388-155-310 First-aid supplies	Must take first aid supplies in transportation vehicles and on field trips.
388-155-320 Outdoor play area	Fence must be at least forty-eight inches high.
388-155-340 Toilets, handwashing sinks, and bathing facilities	Delete: make the bathing facility inaccessible to the child.
388-155-350 Laundry	Delete: maintain access to laundry facilities (we concluded that everybody has access one way or another!) and delete making laundry equipment inaccessible to the child. Add: store soiled laundry inaccessible to the child, and laundry supplies must be stored inaccessible to the child.
388-155-360 Nap and sleep equipment	Combine mat and cot in wording. Cot must be of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry.
388-155-410 Special requirements regarding American Indian children	Licensee must, in consultation with the parent, develop social service resources.... The licensee may coordinate with tribal....staff.
388-155-490 Reporting of circumstantial changes	Report of a person moving in and out of the household.
388-155-500 Posting requirements	A department-issued final notice of penalty.
388-155-600 Occupancy restrictions (rewording only, no change in intent)	"Shall" changed to "must" throughout.

PROPOSED

Purpose: These are the WAC which govern family home child day care. The WAC needs to be reviewed every two years. This was a major rewrite involving stakeholders, licensors, Department of Health, Fire Marshal, and other interested parties. The entire WAC was reviewed in light of the governor's regulatory reform. We did a survey to determine possible costs to providers and a cost-benefit analysis has been completed.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Increase quality and safety of children in licensed home child care. Health and safety rules such as no wheeled walkers, no trampolines, five foot high fence around

swimming pools, making dangerous pets inaccessible to children, storage of firearms.

Reasons Supporting Proposal: New rules will increase safety of children in care and quality of care to children.

Name of Agency Personnel Responsible for Drafting and Implementation: Leslie Edwards-Hill, P.O. Box 45700, Olympia, WA 98504-5700, (360) 902-8041; and Enforcement: Division of Licensed Resource, Office of Child Care Policy.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 388-155 WAC describes rules for family child day care homes. Adds "American Indian Child" to definitions. Expands upon requirements for evening and nighttime care. Combines parent policy and health care plan. States that providers must use the least toxic means possible for keeping the premises pest free and must notify parents in advance. Wheeled baby walkers and trampolines are prohibited. First-aid supplies must be carried in the car. There must be adequate barriers to prevent access to hot tubs and spas. There must be a five foot fence around a pool or body of water. Firearms must be in locked storage.

Proposal Changes the Following Existing Rules: Changes are described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The small business economic impact statement was not prepared because the costs imposed were minor.

RCW 34.05.328 applies to this rule adoption. These are significant legislative rules because they interpret significant provisions of the law through delegated legislative authority; subject a violator to a penalty or a sanction; change requirements for issuing/suspending/revoking a license; adopt new policy; and significantly amend a policy or regulatory program. A cost/benefit analysis has been prepared. To request a copy contact the staff person above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on January 25, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 14, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by January 25, 2000.

Date of Intended Adoption: February 28, 2000.

November 16, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-010 Definitions. As used and defined under this chapter:

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including though issuance of a certificate of degree of Indian blood, or by the HIS;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Assistant" means a child care giver ((or child care givers)) employed by the licensee to supervise a child served at the home.

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child" means a person seventeen years of age and under.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"Family abode" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation."

"Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours unless care in excess of twenty-four hours is necessary due to the nature of the parent's work.

"Family child day care home" means the same as "family child care home" and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

"Family residence" means the same as "family abode."

"Home" means the same as "family child care home."

"License" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the home.

"Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"Provider" means the same as "licensee."

~~("Under two years of age" means a child twenty-three months of age or younger.)~~

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-020 Scope of licensing. (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption ~~((shall))~~ **must** provide the department proof of entitlement to the exemption on the department's request.

(3)(a) RCW 74.15.020 (4)(c)(i) exempts from licensing persons who care for a neighbor's or friend's child or children, with or without compensation, where:

- (i) Care is provided for less than twenty-four hours; and
- (ii) Such activity is not conducted on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to advertising such care.

(b) For purposes of this section:

(i) "**Advertising**" means attempting to solicit child care clients, either directly or indirectly, through written, or electronic means;

(ii) "**Engaging in business**" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed ~~(\$1,000)~~ one thousand dollars in any one calendar year;

(iii) "**Friend**" means someone with whom the care provider had a personal relationship prior to the time care was sought, offered, or provided;

(iv) "**Neighbor**" means a person with whom the care provider has relationship by virtue to living in close proximity to the person;

(v) "**Ongoing**" means that care is provided for a number of consecutive weeks or months or there is no specific time frame for ending child care;

(vi) "**Regularly scheduled**" means that the child comes at usually planned times and/or days and/or the provider makes her/himself available to provide care at fixed or planned intervals.

(4) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(5) The department may certify a family day care home for payment without further investigation if the home is:

- (a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

(6) The person or organization desiring to serve state-paid children ~~((shall))~~ **must**:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child ((Day)) Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-070 Application and reapplication for licensure—Orientation, training and investigation. (1) The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home ~~((shall))~~ **must**:

(a) Attend orientation and training programs provided, arranged, or approved by the department;

(b) Comply with application procedures the department prescribes; and

(c) Submit to the department:

(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:

- (A) Beginning of licensed care;
- (B) Expiration of a current license;
- (C) Relocation of a home; or
- (D) Change of licensed capacity category.

(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care; ~~((and))~~

(iii) Fingerprint cards if residing in Washington state for less than three years; and

(iv) The annual licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure ~~((shall))~~ **must** submit to the department:

(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and

(b) Three references for the applicant.

(3) The applicant for a license under this chapter shall be eighteen years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;

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- (d) Psychological evaluations; and
- (e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-098 Probationary license. (1) The department ~~((shall))~~ must base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the ~~((enter))~~ home,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
 - (i) Children's health,
 - (ii) Proper nutrition,
 - (iii) Discipline,
 - (iv) Emergency medical plan,
 - (v) Sanitation and personal hygiene practices.

(3) Licensee must notify parents when a probationary license~~((d))~~ is issued:

(a) The licensee ~~((shall))~~ must notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification ~~((shall))~~ must be in writing and ~~((shall))~~ must be approved by the department prior to being sent;

(c) The licensee ~~((shall))~~ must provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-100 Activities and routines. (1) The provider ~~((shall))~~ must offer activities and routines designed to meet the developmental, cultural, and individual needs of the child served. The provider ~~((shall))~~ must ensure that the activities and routines ~~((contain a range of learning experiences for))~~ allow the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, ~~((create and))~~ explore, and play.

(2) The provider ~~((shall implement a schedule of daily activities, establishing familiar routines and contributing to learning experiences))~~ must establish familiar routines for meals, rest, and play, with allowances for a variety of special events.

(3) The provider ~~((shall))~~ must ensure the home's activities offer variety and options, including a balance between:

(a) Child-initiated and provider-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; ~~((and))~~

(d) Quiet and active experiences; and

(e) Interactive and passive activities.

(4) The provider ~~((shall))~~ must ensure the home's daily routine affords the child opportunities for small and large muscle activities and outdoor play.

(5) The child may remain in care ~~((only))~~ no more than ten hours ~~((or less))~~ per day except as necessitated by the parent's working hours and ~~((travel))~~ commute time ~~((from and to the home))~~.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-110 Learning and play materials. The provider ~~((shall furnish the child))~~ must ensure the child access to a variety of easily accessible, developmentally appropriate learning and play materials of sufficient quantity to implement the home's daily activities. The provider ~~((shall))~~ must ensure material is culturally relevant and promotes:

(1) Social development;

(2) Intellectual ability;

(3) Language development and communication;

(4) Self-help skills;

(5) Sensory stimulation;

(6) Large and small muscle development; and

(7) Creative expression.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-120 Provider-child interactions. (1) The provider ~~((shall))~~ assistant must furnish the child a nur-

turing, respectful, supportive, and responsive environment through frequent interactions with the child:

(a) Supporting the child in developing an understanding of self and others by assisting the child to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for intellectual growth and development of the child's social and language skills, including encouraging the child to ask questions;

(c) Helping the child solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating ~~((equally))~~ children in care equally regardless of race, religion, ~~((and handicapping condition))~~ abilities, and family structure.

(2) The provider ~~((shall))~~ must:

(a) Furnish the child a pleasant and educational environment at meal and snack times; and

(b) Provide good models for nutrition habits and social behavior by:

(i) Eating with children, when feasible; and

(ii) Encouraging conversation among children.

(3) The provider ~~((shall))~~ must ensure the child is supervised by continuous visual or auditory contact.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-130 Behavior management and discipline. (1) The licensee ~~((shall))~~ must guide the child's behavior based on an understanding of the individual child's needs and stage of development. The licensee ~~((shall))~~ must promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) The licensee ~~((shall))~~ must ensure behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. The licensee ~~((shall))~~ must not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) The licensee ~~((shall))~~ must be responsible for implementing the behavior management and discipline practices of the home. The child in care ~~((shall))~~ must not determine or administer behavior management or discipline.

(4) The licensee ~~((shall))~~ must prohibit and prevent:

(a) Corporal punishment by any person on the premises, including hitting, biting, jerking, shaking, spanking, slapping, striking, or kicking the child, or other means of inflicting physical pain or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint ~~((for disciplinary purposes)),~~ locked time-out room, ~~((or))~~ closet, highchair, carseat, or infant seat for disciplinary purposes; ~~((or))~~

(d) The withholding of food as a punishment.

(5) In emergency situations, the licensee competent to use de-escalation and restraint methods may use limited physical restraint when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) The licensee ~~((shall))~~ must document any incident involving the use of physical restraint.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91)

WAC 388-155-140 Rest periods. (1) The provider ~~((shall))~~ must offer a supervised rest period to the child:

(a) Five years of age and under remaining in care more than six hours; or

(b) Showing a need for rest.

(2) The provider ~~((shall))~~ must plan quiet activities for the child not needing rest.

(3) The provider ~~((shall))~~ must allow the child twenty-~~((nine))~~ four months of age and under to follow an individual sleep schedule.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-150 Evening and nighttime care. (1) For the home regularly offering child care during evening and nighttime hours, the licensee ~~((shall))~~ must:

(a) Adapt the activities, routines, and equipment to meet the physical and emotional needs of the child away from home at night.

~~((2))~~ ~~The licensee shall maintain the same capacity requirements in effect during daytime care. At all times, including sleeping hours, the child shall be within continuous visual or auditory range of the licensee or assistant)~~

These must include:

(i) Arrangements made for bathing as needed;

(ii) Individual bedding appropriate for overnight sleeping;

(iii) Appropriate night wear and individual toiletry items for each child;

(iv) Separate dressing and sleeping areas for boys and girls ages six years and older and demonstrating a need for privacy.

(b) The licensee must maintain staff-child ratios during sleeping hours.

(c) The licensee must have a plan approved by the licensor to ensure the physical safety and emotional well-being of children during sleeping hours.

~~((3))~~ (2) The licensee ~~((shall))~~ must arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-165 Transportation. When the licensee provides transportation for the child in care:

(1) The licensee ~~((shall))~~ must ensure the motor vehicle is maintained in a safe operating condition;

(2) The licensee ~~((shall))~~ must ensure the motor vehicle is equipped with appropriate safety devices and individual

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seat belts or safety seats for each child to use when the vehicle is in motion ~~((An individual safety seat is required for the child eleven months of age and younger))~~ according to Washington state patrol recommendations;

(3) The licensee ~~((shall))~~ must ensure the number of passengers does not exceed the seating capacity of the motor vehicle;

(4) The licensee or driver ~~((shall))~~ must carry motor vehicle liability and medical insurance. The driver ~~((shall))~~ must have a current Washington driver's license, valid for the classification of motor vehicle operated;

(5) The licensee or assistant supervising the child in the motor vehicle ~~((shall))~~ must have current first aid and cardiopulmonary resuscitation training; ~~((and))~~

(6) The licensee, assistant, or driver ~~((shall))~~ must not leave the child unattended in the motor vehicle ~~((:));~~

(7) The licensee ~~((shall))~~ must ensure the assistant is present in the motor vehicle when capacity guidelines require an assistant; and

(8) The licensee must keep a first aid kit, health history, and emergency medical consent for each child in the vehicle while transporting children.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-170 Parent communication. (1) The licensee ~~((shall))~~ must:

(a) Explain to the parent and to any assistants the provider's policies ~~((and)),~~ procedures, and health care practices;

(b) Orient the parent and assistants to the home and activities, and to location of items required to be posted;

(c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning a child's special needs; and

(d) Encourage parent participation in the home's activities.

(2) The licensee ~~((shall))~~ must give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Typical meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all home areas used by the child;

(f) Child abuse reporting requirements;

(g) Behavior management and discipline;

(h) Nondiscrimination statement;

(i) Religious activities, if any;

(j) Transportation and field trip arrangements;

(k) Typical staffing plan when provider is absent;

(l) Health care practices, including but not limited to information about the home's general health practices concerning:

(i) Injury prevention;

(ii) Medication management;

(iii) First aid, including medical emergencies;

~~((#))~~ (iv) Practices concerning an ill child;

~~((m) Medication management; and
(n))~~ (v) Communicable disease prevention, management, and reporting;

(vi) Handwashing practices.

(m) If licensed for the care of the young child((:));

(i) ((Diapering)) Proper infant sleep position and bedding to prevent Sudden Infant Death Syndrome (SIDS);

(ii) Diapering

(iii) Toilet training; and

~~((iii))~~ (iv) Feeding.

(n) Disaster response plan; and

(o) Practices regarding nighttime care including staffing, if applicable.

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-180 Staffing—Qualifications. (1) General qualifications. The licensee, assistant, volunteer, and other person associated with the operation of the home who has access to the child in care ~~((shall))~~ must:

(a) Be of good character;

(b) Have the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.

(2) The licensee ~~((shall))~~ must:

(a) Be eighteen years of age or older;

(b) Be the primary child care provider during the majority of child care business hours;

(c) Ensure compliance with minimum licensing requirements under this chapter; and

(d) Have completed one of the following prior to or within the first six months of initial licensure except as provided in (e) of this subsection:

(i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.

(e) Licensees already licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(d) prior to or within twelve months after the effective date of this rule.

(3) The assistant ~~((shall))~~ must be:

(a) Fourteen years of age or older; or

(b) Eighteen years of age or older if assigned sole responsibility for the child in care; and

(c) Competent to exercise appropriate judgements.

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AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-200 Development and training. (1)

The licensee ~~((shall))~~ must have an orientation system making the new employee and volunteer aware of policies and practices. The licensee ~~((shall))~~ must provide the new employee or volunteer an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the home;
- (c) Daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;

(g) The health care ~~((plan))~~ practices;

(h) Fire prevention and safety procedures; ~~((and))~~

(i) ~~((Personnel policies, when applicable))~~ Duties of assistants and/or volunteer; and

(j) Location of items required to be posted.

(2) The licensee ~~((shall))~~ must:

(a) Obtain basic, standard first aid, and cardiopulmonary resuscitation (CPR) training, approved by the department of health. CPR training ~~((shall))~~ must include methods appropriate for child age groups in care;

(b) Ensure that first aid and CPR training is current; and

(c) Annually, beginning one year after licensure, complete ten clock hours or one college quarter credit of training. Training must be approved by the Washington state training and registry system (STARS). For those already licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

(3) The licensee ~~((shall))~~ must ensure the assistant eighteen years of age or older obtains basic, standard first aid, and CPR training approved by the department of health if the assistant will be solely responsible for the child in care.

(4) The licensee and assistant ~~((shall))~~ must obtain appropriate education and training on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(5) The licensee ~~((shall))~~ must encourage the assistant to participate in training opportunities to promote ongoing education and enhance practice skills.

(6) The licensee ~~((shall))~~ must conduct periodic meetings for planning and coordination purposes when applicable.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-220 Health supervision and infectious disease prevention. (1) ~~((Child.))~~ The licensee ~~((shall))~~ must

encourage the parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.

(2) The licensee ~~((shall))~~ must encourage the parent to obtain health care for the child when necessary. The licensee

~~((shall))~~ must not be responsible for providing or paying for the child's health care.

(3) Before or on the child's first day of attendance, the parent ~~((shall))~~ must present a certificate of immunization status form prescribed by the department of health proving the child's full immunization for:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis (whooping cough);
- (d) Poliomyelitis;
- (e) Measles (rubeola);
- (f) Rubella (German measles);
- (g) Mumps; ~~((and))~~
- (h) Haemophilus Influenzae Type B (HIB);
- (i) Hepatitis B; and

(j) Other diseases prescribed by the department of health.

(4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:

- (a) Initiated before or on enrollment; and
- (b) Completed as rapidly as medically possible.

(5) The licensee may exempt the immunization requirement for the child if the parent or guardian:

- (a) Signs a statement expressing a religious, philosophical, or personal objection; or
- (b) Furnishes a physician's statement of a valid medical reason for the exemption.

(6) ~~((Procedures.))~~ The licensee ~~((shall-daily))~~ must observe the child daily for signs of illness. The licensee ~~((shall))~~ must care for or discharge home the ill child based on the home's policies concerning an ill child.

(a) When the child has a severe illness or is injured, tired, or upset, the licensee ~~((shall))~~ must separate the child from other children and attend the child continuously until:

- (i) The licensee secures appropriate health care for the child; or
- (ii) The licensee makes an arrangement to return the child to the parent; or
- (iii) The child is able to rejoin the group.

(b) The licensee ~~((shall))~~ must provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.

(c) The licensee ~~((shall))~~ must sanitize equipment used by the child, if the licensee suspects the child has a communicable disease.

(d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(7) The licensee ~~((shall))~~ must wash, or assist the child to wash hands according to the home's handwashing procedures.

(8) The licensee ~~((shall))~~ must clean and disinfect toys, equipment, furnishings, and facilities according to the home's cleaning and disinfecting policies.

(9) The licensee ~~((shall))~~ must have appropriate extra clothing available for the child who wets or soils clothes.

(10) The licensee ~~((shall))~~ must ensure the child does not share personal hygiene or grooming items.

(11) Each licensee, assistant, volunteer, and adult member of the household having regular contact with the child in

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care ((~~shall~~) must) have a tuberculin (TB) skin test, by the Mantoux method, upon employment or initial licensure, unless against medical advice.

(a) The person whose TB skin test is positive (ten millimeters or more ((~~induration~~)-~~shall~~)) size) must have a chest x-ray with results indicating the person does not have active TB, within thirty days following the skin test.

(b) The licensee ((~~shall~~) must) not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.

(12) The licensee ((~~shall~~) must) not permit the person with a reportable communicable disease to be on duty in the home or have contact with the child in care unless approved by a health care provider.

(13) The licensee and assistant ((~~shall~~) must) wash hands according to the home's handwashing practices.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-230 Medication management. (1) The home may have a policy of not giving medication to the child in care, unless a child has a medically recognized special need requiring medication.

(2) If the home's health care ((~~plan~~)) practices include((s)) giving medication to the child in care, the licensee:

(a) ((~~Shall~~) Must) give medications, prescription and nonprescription, only on the written approval of a parent, or of a person((:)) or agency having authority by court order to approve medical care;

(b) ((~~Shall~~) Must) give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As authorized by a physician or other person legally authorized to prescribe medication.

(c) ((~~Shall~~) Must) give the following classifications of nonprescription medications, with written parent authorization, including a start date and ending date, not to exceed one month, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(i) Antihistamines;

(ii) Nonaspirin fever reducers/pain relievers;

(iii) Nonnarcotic cough suppressants;

(iv) Decongestants;

(v) Anti-itching ointments or lotions, intended specifically to relieve itching;

(vi) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

(vii) Sun screen.

(d) ((~~Shall give other nonprescription medication:~~

(i) Not included in the categories listed in subsection (2)(e) of this section; or

(ii) Taken differently than indicated on the manufacturer's label; or

(iii) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (2)(d)(i) and (ii):

(A) Authorized, in writing, by a physician; or

(B) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication)) Must have written instructions from a physician for nonprescription medications if:

(A) A specific dosage is not given on the label for the age and weight of the child in care;

(B) It is not listed in subsection (2)(c);

(C) It lacks labeled instructions; or

(D) It is taken differently than indicated on the manufacturer's label.

The written instructions must include dosage and description of the child's symptoms warranting the medication.

(e) ((~~Shall~~) Must) accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(i) The child's first and last names;

(ii) The date the prescription was filled; or

(iii) The medication's expiration date; and

(iv) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(f) ((~~Shall~~) Must) keep medication, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to the child;

(g) Must keep class II narcotics in locked storage.

(h) ((~~Shall~~) Must) store external medication in a compartment separate from internal medication;

((~~h~~)-~~Shall~~) (i) Must keep a record of medication disbursed;

((~~i~~)-~~Shall~~) (j) Must return medications no longer being taken to the parent or other responsible party, or ((~~shall~~)) must dispose of ((~~medications no longer being taken~~)) them; ((~~and~~))

((~~j~~)) (k) May at the licensee's option, permit self-administration of medication by a child in care if the:

(i) Child is physically and mentally capable of properly taking medication without assistance;

(ii) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(iii) Licensee ensures the child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-240 Nutrition. (1) The licensee ((~~shall~~)) must provide food meeting the nutritional needs of the child in care, taking into consideration the:

(a) Number of children in care;

(b) Child's age and developmental level;

(c) Child's cultural background;

(d) Child's ((~~handicapping condition~~)) special need; and

(e) Hours of care on the premises.

(2) The licensee ((~~shall~~) Must) provide only pasteurized milk or a pasteurized milk product.

(3) The licensee ((~~shall~~) Must) provide only whole milk to the child twenty-three months of age or under except with the written permission of the child's parent.

(4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the home provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner, using water from an approved source.

(5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee ~~((shall))~~ must obtain from the parent or child's health care provider a written list of foods the child cannot consume.

(6) The licensee ~~((shall))~~ must use the following meal pattern to provide food to the child in care in age-appropriate servings:

(a) Providing the child in care for ten or less hours:

(i) Two or more snacks and one meal; or

(ii) Two meals and one snack.

(b) Providing the child in care for ten or more hours(~~(=~~

~~))~~ two or more meals and two snacks(~~(=~~

~~(ii) One meal and three snacks~~);

(c) Providing the child arriving after school a snack;

(d) Providing the child with food at not less than two-hour intervals, and not more than three and one-half hours apart; and

(e) Allowing the occasional serving of party foods not meeting nutritional requirements.

(7) The licensee shall provide the child in care food which complies with the meal pattern of the United States Department of Agriculture Child and Adult Care Food Program, with the addition of:

(a) A minimum of one serving of Vitamin C fruit, vegetable, or juice, provided daily; and

(b) Servings of food high in Vitamin A, provided three or more times weekly.

(8) The licensee ~~((shall))~~ must provide:

(a) Dinner to the child in evening care when the child did not receive dinner at home before arriving;

(b) A bedtime snack to the child in nighttime care; and

(c) Breakfast to the child in nighttime care if the child remains at the home after the child's usual breakfast time.

(9) The licensee ~~((shall))~~ must monitor foods brought from the child's home for consumption by the child, all children, or a group of children in care ensuring safe storage and nutritional adequacy.

(10) For the home permitting sack lunches, the licensee ~~((shall))~~ must have ~~((available))~~ food supplies available to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without food.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-250 Kitchen and food service. (1) The licensee ~~((shall))~~ must provide an maintain equipment for the proper storage, preparation, and service of food.

(2) The licensee ~~((shall))~~ must make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.

(3) The child may participate in food preparation as an educational activity.

(4) The licensee ~~((shall))~~ must install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:

(a) Washing and sanitizing reusable utensils in a dishwasher or through use of a manual dishwashing procedure; ~~((and))~~

(b) Using only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces; and

(c) Using an approved sanitizer, such as bleach and water, in the kitchen.

(5) The licensee must provide the child individual drinking cups, glasses, or disposable single-use cups.

(6) The licensee must provide the child durable eating utensils appropriate in size and shape for the child in care.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-270 Care of young children. (1) Diapering and toileting. The licensee ~~((shall))~~ must ensure:

(a) The diaper-changing area is:

(i) Separate from food preparation areas; and

(ii) Easily accessible to a handwashing sink other than a sink used for food preparation;

(iii) Sanitized between use for different children; or

(iv) Protected by a disposable covering discarded after each use.

(b) The diaper-changing area is impervious to moisture and washable.

(2) The licensee ~~((shall))~~ must:

(a) Use a nonabsorbent pad large enough for the child's upper body and buttocks;

(b) Use reusable diapers, a commercial diaper service, or disposable diapers;

~~((b))~~ (c) Place soiled diapers without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to a laundry, parent, or acceptable disposal;

~~((e))~~ (d) Remove soiled diapers from the home daily or more often unless the licensee uses a commercial diaper service;

~~((e))~~ (e) Use disposable towels or clean, reusable towels laundered between use for different children for cleaning the child; and

~~((e))~~ (f) Wash hands after diapering the child or helping the child with toileting.

(3) The licensee ~~((shall))~~ must:

(a) Consult with the child's parent regarding initiating toilet training;

(b) Locate potty chairs on washable, ~~((impervious))~~ non-absorbent surfaces in appropriate toileting area when in use; and

(c) Sanitize toilet training equipment after each use.

(4) Feeding. The licensee and the infant's parent ~~((shall))~~ must agree on a schedule for feedings:

(a) The licensee or parent may provide the child's bottle feeding in the following manner:

(i) A filled bottle brought from home;

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(ii) Whole milk or formula in ready-to-feed strength; or
 (iii) Formula requiring no preparation other than dilution with water, mixed on the premises, following manufacturer's directions.

(b) The licensee ~~((shall))~~ **must** prepare the child's bottle and nipple in a sanitary manner in an area separate from the diapering area.

(c) The licensee ~~((shall))~~ **must** sanitize the child's bottle and nipple between uses.

(d) The licensee ~~((shall))~~ **must** label the bottle with the child's name and date prepared, if more than one bottle-fed child is in care.

(e) The licensee ~~((shall))~~ **must** refrigerate a filled bottle if the child does not consume the contents immediately and discard the bottle's contents if the child does not consume the contents within twelve hours.

(f) To ensure safety and promote nurturing, the licensee and assistant ~~((shall))~~ **must**:

(i) Hold the child in a semi-sitting position for feeding, if the child is unable to sit in a high chair, unless such is against medical advice;

(ii) Interact with the child;

(iii) Not prop a bottle;

(iv) Not give a bottle to the reclining child; and

(v) Take the bottle from the child when the child finishes feeding.

(g) The licensee ~~((shall))~~ **must** provide semi-solid food for the child, upon consultation with the parent, as recommended by the child's health care provider.

(5) Sleeping equipment. The licensee ~~((shall))~~ **must** furnish the child a single-level crib, infant bed, bassinet, or play pen for napping until such time the parent and licensee agree the child can safely use a mat, cot, or other approved sleep equipment.

(6) The licensee ~~((shall))~~ **must** ensure the young child has a sturdy crib, infant bed, bassinet, or play pen:

(a) Made of wood, metal, or plastic with secure latching devices; and

(b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for a child six months of age or younger; and

(c) ~~((Additionally supplied with crib bumpers or another effective method preventing the child's body from slipping between the slats))~~ The licensee must follow the recommendations of the American Academy of Pediatrics when putting infants to bed (1-800-505-CRIB). The provider may use a different sleep position if the parent requests it in writing.

(7) The licensee ~~((shall))~~ **must** ensure the child's crib mattress, infant bed, bassinet, or play pen mattress is:

(a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and

(b) Waterproof ~~((and)),~~ easily sanitized, and in good repair.

(8) Activities and equipment. The licensee ~~((shall))~~ **must** provide the young child a daily opportunity for:

(a) Large and small muscle development;

(b) Crawling and exploring;

(c) Sensory stimulation;

(d) Social interaction;

(e) Development of communication; and

(f) Learning self-help skills.

(9) The licensee ~~((shall))~~ **must** provide ~~((the young child))~~ safe, noningestible, suitable toys and equipment for the young child's mental and physical development.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-280 General safety, maintenance, and site. (1) The licensee ~~((shall))~~ **must** operate the home on an environmentally safe site.

(2) The licensee ~~((shall))~~ **must** maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee ~~((shall))~~ **must** ensure furniture and equipment are safe, stable, durable, and free of sharp, loose, or pointed parts.

(3) The licensee ~~((shall))~~ **must**:

(a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;

(b) Maintain a flashlight or other emergency lighting device in working condition;

(c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the child;

(d) Finish rough or untreated wood surfaces; and

(e) Maintain one or more telephones in working order.

(4) The licensee ~~((shall))~~ **must** supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring or routinely cleaned floor covering.

(5) The licensee ~~((shall))~~ **must** equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee ~~((shall))~~ **must** ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee ~~((shall))~~ **must** keep the premises free from rodents, fleas, cockroaches, and other insects and pests, using the least toxic method available, and notifying children's parents in advance of chemical usage.

(8) The licensee ~~((shall))~~ **must** use an appropriate method for drawing clean mop water and disposing waste water.

(9) ~~((The licensee shall ensure a firearm or another weapon is kept in locked storage accessible only to an authorized person))~~ Firearms, ammunition, and other weapons must be kept in secure, locked storage, at all times when not in use. They must be accessible only to authorized persons. Secure locked storage means a locked storage container, gun cabinet, gun safe, or other storage area made of strong, unbreakable material. If the cabinet has a glass or other breakable front, then the guns need to be secured with a cable or chain placed through the trigger guards securing the guns in the storage unit.

(10) The licensee ~~((shall))~~ **must** ensure a person with current first aid and infant-child CPR training is on the premises at all times.

(11) The licensee ~~((shall))~~ **must** store separate from food products and make inaccessible to ~~((the child cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels))~~ children cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items

bearing warning labels indicating a product is hazardous, if a person is exposed to, or consumes the product.

(12) The licensee ~~((shall))~~ must label a container filled from a stock supply to identify contents.

(13) The licensee must ensure that any animal or pet on the premises has not demonstrated aggressive behavior. If a pet or animal has demonstrated aggressive behavior, it must be inaccessible to children in care at all times.

(14) The use of wheeled baby walkers is prohibited.

(15) The use of trampolines, including rebounders, is prohibited

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-290 Water supply, sewage, and liquid wastes. (1) The licensee ~~((shall))~~ must obtain ~~((approval of a private))~~ water ~~((supply by the local health authority or department))~~ from:

(a) A public water supply that is regulated by Washington state department of health drinking water operations or the local health authority, as appropriate;

(b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or

(c) Commercially bottled water in cases where (a) or (b) of this subsection are unsatisfactory.

(2) The licensee ~~((shall))~~ must ensure sewage and liquid wastes are discharged into:

(a) A public sewer system; or

(b) An independent sewage system ~~((approved))~~ maintained so as not to create a public health nuisance as determined by the local health authority ~~((or department)).~~

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-295 Water safety. (1) The licensee ~~((shall))~~ must maintain the following water safety precautions when the child uses an on-premises swimming pool or wading pool. The licensee ~~((shall))~~ must ensure:

(a) The on-premises pool is inaccessible to the child when not in use; and

(b) ~~((During the child's use of a wading pool or swimming pool,))~~ An adult with current CPR training supervises the child at all times.

(2) The licensee ~~((shall))~~ must ensure a certified life-guard is present during the child's use of an off-premises swimming pool.

(3) The licensee ~~((shall daily))~~ must empty and clean a portable wading pool daily, when in use.

(4) ~~((The licensee shall not permit the))~~ An adequate, department-approved cover or barrier, installed at the manufacturer's specification must be in place to prevent the child ~~((to use or))~~ access ~~((a))~~ at all times to heated tubs, ~~((spa;))~~ whirlpools, spas, tanks, or similar equipment.

(5) A five foot high fence with gates, locked when not in use, is required to prevent access to water hazards, such as swimming pools, lakes, streams, or natural or artificial pools.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-310 First-aid supplies. (1) The licensee ~~((shall))~~ must maintain first-aid supplies on the premises conforming with the home's first-aid policies and procedures.

(2) The home's first-aid supplies ~~((shall))~~ must include unexpired syrup of ipecac which may be administered only on the advice of a ~~((physician or))~~ poison control center.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-320 Outdoor play area. (1) The licensee ~~((shall))~~ must provide a safe and securely-fenced or department-approved, enclosed outdoor play area:

(a) Adjoining directly the indoor premises; or

(b) Reachable by a safe route and method; and

(c) Promoting the child's active play, physical development, and coordination; and

(d) Protecting the ~~((play area))~~ child from unsupervised exit ~~((by the child; and))~~ with an enclosure at least forty-eight inches high; and

(e) Preventing child access to roadways and other dangers.

(2) The licensee ~~((shall))~~ must ensure the home's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensee ~~((shall))~~ must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee ~~((shall))~~ must arrange, design, construct, and maintain equipment and ground cover to prevent the child's injury. The licensee's quantity of outdoor play equipment ~~((shall))~~ must offer the child a range of outdoor play options.

(4) Preschool children and younger must be in visual and auditory range when outside.

(5) School-age children must be in auditory range when outside.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee ~~((shall))~~ must provide a minimum of one indoor flush-type toilet and one adjacent handwash sink.

(2) The licensee ~~((shall))~~ must supply the child warm running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred and twenty degrees Fahrenheit.

(3) The licensee ~~((shall))~~ must provide toileting privacy for the child of opposite sex six years of age and older and for other children demonstrating a need for privacy.

(4) The licensee ~~((shall))~~ must provide toilets and handwashing sinks of appropriate height and size for the child in care or furnish safe, easily cleanable platforms impervious to

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moisture so the child can reach the toilet and handwashing sink.

(5) The licensee ((shall)) must ensure a room used for toileting is ventilated.

(6) When a home serves the child not toilet-trained, the licensee ((shall)) must provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee ((shall)) must sanitize the equipment after each child's use.

(7) The licensee ((shall)) must provide the child with soap and individual cloth or paper towels for washing and drying the child's hand and face.

(8) If the home is equipped with a bathing facility, the licensee ((shall)) must:

(a) Ensure the young child is supervised while using the bathing facility; and

(b) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad((~~or~~

(~~c) Make the bathing facility inaccessible to the child~~)).

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-350 Laundry. (1) ~~((The licensee shall maintain access to laundry washing and drying facilities, which may include using on-premises or off-site equipment.~~

~~(2) When washing and drying occurs on-site, the licensee shall locate equipment in an area inaccessible to the child, or make the equipment inaccessible to the child.~~

~~(3))~~ The licensee ((shall)) must use an effective method through temperature or chemical measures for adequately sanitizing the child's laundry contaminated with urine, feces, lice, scabies, or other infectious material.

~~((4))~~ (2) The licensee ((shall)) must store the child's soiled laundry separately from clean laundry.

(3) Hazardous laundry supplies and soiled items must be inaccessible to children.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-360 Nap and sleep equipment. (1) The licensee ((shall)) must provide a clean, separate, firm mat, cot, bed, mattress, play pen, or crib for each child five years of age and under remaining in care for six or more hours and for the child requiring a nap or rest period.

(2) The licensee ((shall)) must ensure the child's mat or cot is of sufficient length, width, and thickness to provide adequate comfort for the child to nap. The licensee must ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry. The licensee may use a washable sleeping bag meeting the mat requirements for the toilet-trained child.

~~(3) ((The licensee shall ensure the child's cot is of sufficient length and width and constructed to provide adequate comfort for the child to nap. The licensee shall ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry.~~

(4)) The licensee ((shall)) must clean the child's nap equipment as needed and between use by different children.

~~((5))~~ (4) The licensee ((shall)) must separate the child's nap equipment when in use to facilitate child comfort and health and staff access.

~~((6))~~ (5) The licensee ((shall)) must ensure the child's bedding:

(a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child;

(b) Is laundered weekly or more often and between use by different children; and

(c) Is stored separately from bedding used by another child.

~~((7))~~ (6) The licensee ((shall)) must not use the upper bunk of a double deck bed for a preschool age or younger child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-390 Discrimination prohibited. The licensee ((shall)) must comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services, to prohibit discrimination because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability or use of a trained guide dog or service animal by a disabled person.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-400 Religious activities. (1) Consistent with state and federal laws, the licensee ((shall)) must respect and facilitate the rights of the child in care to observe the tenets of the child's faith.

(2) The licensee ((shall)) must not punish or discourage the child for exercising these rights.

~~((3) If the home conducts religious activities, the licensee shall maintain a written description of the home's religious policies and practices affecting the child in care.)~~

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-410 ((Special)) Additional requirements regarding American Indian children. When one or more American Indian child receives care at the home, the licensee ((shall)) must in consultation with the parent, develop social service resources and training designed to meet the special needs of such children ((through coordination)). The licensee may coordinate with tribal, Indian Health Service, Bureau of Indian Affairs social service staff, and appropriate urban Indian and Alaskan native consultants.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-430 Prohibited substances. (1) During operating hours or when the child is in care, the licensee, assistant, and volunteers on the premises in child care areas,

or caring for the child off-site ((shall)) must not be under the influence of or consume an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) The licensee ((shall)) must prohibit smoking in:

- (a) All areas of the home used by the child during hours of operation when the child is in care; and
- (b) A motor vehicle when the licensee or assistant transports a child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-440 Limitations to persons on premises. (1) During home operating hours or while the child is in care, the only persons having regular or unsupervised access to the child in care are:

- (a) The child's parent,
- (b) The licensee,
- (c) An employee,
- (d) The licensee's family member,
- (e) A volunteer, or ((an authorized))
- (f) A governmental agency representative ((of a governmental agency shall have unsupervised or regular access to the child in care)) having specific, verifiable authority for the access.

(2) The licensee ((shall)) must allow the parent of the child in care unsupervised access only to ((the parent's)) his or her own child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-450 Child records and information.

The licensee ((shall)) must maintain ((on the premises-)) organized confidential records and information on the premises concerning each child in care. The licensee ((shall)) must ensure the child's record contains, at a minimum:

(1) Registration data:

- (a) Name, birthdate, dates of enrollment and termination((, and other identifying information)); and
- (b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency.

(2) Authorizations:

- (a) Name, address, and telephone number of the person authorized to remove from the home the child under care;
- (b) Written parental consent for transportation provided by the home, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and
- (c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

- (a) A health history, obtained when the licensee enrolls the child for care. The history includes:
 - (i) The date of the child's last physical examination;
 - (ii) Allergies;

(iii) Special health problems and other pertinent health information;

(iv) Immunization history as required under WAC 388-155-220;

(v) Name, address, and telephone number of the child's health care provider or facility; and

(vi) Special developmental problems.

(b) Date and kind of illness and injury occurring on the premises, including the treatment given by the licensee; and

(c) Medication given indicating dosage, date, time, and name of the dispensing person.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-460 Home records. The licensee ((shall)) must maintain the following documentation on the premises:

(1) The attendance records, completed daily, including arrival and departure times;

(2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;

(4) The twelve-month record indicating the date the licensee tested the battery-powered smoke detector monthly; and

(5) Attendance records and invoices for state-paid children for at least five years.

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-470 Personnel records. (1) Each assistant and volunteer having unsupervised or regular access to the child in care ((shall)) must complete and submit to the licensee by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee ((shall)) must submit this form to the department for the employee and volunteer, within seven calendar days of the assistant's or volunteer's first day of employment, permitting a criminal and background history check.

(ii) The department ((shall)) must discuss the result of the criminal history and background inquiry information with the licensee, when applicable.

(2) The licensee, assistant, and volunteer ((shall)) must have on file at the home:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of the tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training;

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(e) Documentation of current first aid and CPR training, when applicable; and

(f) Documentation of basic and annual training required under WAC 388-155-180 (2)(d) and 388-155-200 (2)(c), when applicable.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-490 Reporting of circumstantial changes. A family child care home license is valid only for the person and address named on the license. The licensee ~~((shall))~~ **must** promptly report to the licensor major changes in premises, activities and routines, the assistant, or members of the household affecting the home's capacity classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (1) Home's address, location, or phone number;
- (2) Maximum number and age ranges of children the licensee wishes to serve as compared to current license specifications;
- (3) Number and qualifications of the home's staff that may affect competencies to implement the specified activities and routines, including the death, retirement, or incapacity of a licensee;
- (4) Name by which the home is commonly known;
- (5) Occurrence of a fire, major structural change, or damage to the premises from any cause; ~~((and))~~
- (6) Plans for major remodeling of the home, including planned use of space not previously department-approved; and
- (7) Report of a person moving in or out of the household.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-500 Posting requirements. The licensee ~~((shall))~~ **must** post the following items, clearly visible to the parents and the assistant:

- (1) The home's child care license issued under this chapter;
- (2) Evacuation plans and procedures; ~~((and))~~
- (3) Emergency telephone numbers; and
- (4) A department-issued final notice of penalty.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-600 Occupancy restrictions. (1) Any home used for child day care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy per the state building code. Family child day care homes must meet the minimum construction and fire and safety requirements for one and two family dwellings.

If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet and/or furniture making or refinishing or similar use, a fire wall is required between the dwelling and the other use.

(2) Only one exit door from a family child day care home need be of the pivoted or side hinged swinging type. Approved sliding doors may be used for other exits.

(3) In family child day care home, each floor level used for family child day care purposes ~~((shall))~~ **must** be provided with two exits, usually located at opposite ends of the building or floor.

(4) Basements located more than four feet below grade level ~~((shall))~~ **must** not be used for family child day care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above; or

(c) One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(5) The family child care home licensee ~~((shall))~~ **must** ensure that any floor located more than four feet above grade level is not occupied by children for family child day care purposes except for the use of toilet facilities while under supervision of a staff person.

Family child day care may be allowed on the second story if one of the following conditions exists:

(a) There are two exit stairways from the second story which open directly to the exterior of the building without entering the first floor; or

(b) There is an exit which discharges directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(6) The maximum travel distance from any point in the home to an exterior exit door ~~((shall))~~ **must** not exceed one hundred fifty feet.

(7) Every room used for child care (except bathrooms) ~~((shall))~~ **must** have:

(a) At least one operable window or door approved for emergency escape or rescue which ~~((shall))~~ **must** open directly into a public street, public alley, yard or exit court. The units ~~((shall))~~ **must** be operable from the inside to provide a full clear opening without the use of separate tools.

~~((AH))~~ ~~((The net clear openable area of an escape or rescue (windows shall have) window must be a minimum (net clear openable area) of 5.7 square feet. The (minimum) net clear openable height dimension (shall) must be a minimum of twenty-four inches. The (minimum) net clear openable width dimension (shall) must be a minimum of twenty inches. (When windows are provided as a means of) An escape or rescue (they shall) window must have a finished~~

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sill height of not more than forty-four inches above the floor; or

- (b) Doors leading to two separate exit ways; or
- (c) A door leading directly to the exterior of the building.
- (8) A stationary platform may be used under a window to attain the forty-four inches above the floor.
- (9) Exit doors ~~((shall))~~ must be easy to open to the full open position.

(10) Exit doors and windows ~~((shall))~~ must be able to be opened from the inside without having to use a key. Use of night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts ((are)) is prohibited during child care hours.

The locking arrangement on outside exit doors ~~((shall))~~ must be such that they will automatically unlock when the doorknob is turned from the inside.

(11) The licensee ~~((shall))~~ must ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(12) ~~((No))~~ Space which is accessible only by ladder, folding stairs or trap doors, ~~((shall))~~ must not be used for family child day care purposes.

(13) Every bathroom door lock ~~((shall))~~ must be designed to permit the opening of the locked door from the outside in an emergency. The opening device ~~((shall))~~ must be readily accessible to the staff.

(14) Every closet door latch ~~((shall))~~ must be such that children can open the door from inside the closet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-155-210 Health care plan.
- WAC 388-155-260 Drinking and eating equipment.

**WSR 99-24-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed November 24, 1999, 11:29 a.m.]**

Original Notice.
Preproposal statement of inquiry was filed as WSR 98-06-089.
Title of Rule: Chapter 388-97 WAC, Nursing homes.
Purpose:

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
Subchapter I	
WAC 388-97-005 Definitions.	Amended. Added definitions of abandonment, abuse, entity, financial exploitation, misappropriation of resident property, neglect, and reasonable accommodation. Deleted some definitions and added them to specific sections.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-010 License—Application.	Repealed. Revised and rewritten under Subchapter III, sections 550 and 555.
WAC 388-97-012 Nursing facility care.	New section. Moved from repealed section 225. Revised.
WAC 388-97-015 License—Qualification.	Repealed. Revised and rewritten under Subchapter III, section 560.
WAC 388-97-017 Discrimination prohibited.	New section. Moved from repealed section 230. Revised for clarity.
WAC 388-97-020 Nursing home fees.	Repealed. Rewritten under Subchapter III, sections 550 and 555.
WAC 388-97-022 Medical eligibility for nursing facility care.	New section. Moved from repealed section 235. Revised for clarity and expanded the definition to follow federal direction for skilled nursing facility care as well as nursing facility care.
WAC 388-97-025 License capacity.	Repealed. Rewritten under Subchapter III, section 585.
WAC 388-97-027 Nursing facility admission and payment requirements.	New section. Moved from repealed section 240. Revised and clarified.
WAC 388-97-030 Change of ownership.	Repealed. Revised and rewritten under new section 580.
WAC 388-97-032 Discharge planning.	New section. Moved from repealed section 100. Revised and clarified.
WAC 388-97-035 Change in administrator or director of nursing services.	Repealed. Rewritten under new section 162.
WAC 388-97-037 Utilization review.	New section. Moved from 265. Revised and rewritten for clarity.
WAC 388-97-040 Name of nursing home.	Repealed. Rewritten under new section 162.
WAC 388-97-042 Individual transfer and discharge rights and procedures.	New section. Revised and rewritten from section 270. Included "reasonable accommodation" issue from 1997 revision of chapter 74.42 RCW.
WAC 388-97-043 Transfer and discharge appeals for residents in Medicare certified and Medicaid certified facilities.	New section. Revised and rewritten from section 270.
WAC 388-97-045 License relinquishment upon closure.	Repealed. Rewritten as new section 595.
WAC 388-97-047 Discharge or leave of a nursing facility resident.	New section. Moved, rewritten, revised from section 280.
WAC 388-97-050 License denial, modification, nonrenewal, revocation.	Repealed. Rewritten as new section 565.
WAC 388-97-051 Resident rights.	New section. Previous subsection in section 070, revised, and updated.
WAC 388-97-052 Free choice.	New section. Previous subsection of section 070, revised and updated.
WAC 388-97-053 Statutes implemented in resident decision making, informed consent, advance directives.	New section. This language was in the previous WAC version but not as a section.
WAC 388-97-055 Resident decision making.	Amended. Revised for clarity.
WAC 388-97-060 Informed consent.	Amended. Revised for clarity.

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TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-065 Advance directives.	Amended. Revised for clarity.
WAC 388-97-070 Resident rights.	Repealed. This long section was divided into seventeen smaller sections for ease of use. Sections 051, 052, 053 and 07005 through 07070.
WAC 388-97-07005 Notice of rights and services.	New section. Previous subsection in section 070, revised, and updated with changes from chapters 70.129 and 74.42 RCW.
WAC 388-97-07010 Notification of changes.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07015 Protection of resident funds.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07020 Privacy and confidentiality.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07025 Work.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07030 Self administration of drugs.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07035 Grievance rights.	New section. Previous subsection in section 070, revised for clarity, and added a referral to chapter 74.39A RCW for forms of reprisal.
WAC 388-97-07040 Examination of survey results.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07045 Resident mail.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07050 Access and visitation rights.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07055 Telephone.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07060 Personal property.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07065 Roommates/rooms.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-07070 Refusal of certain transfers.	New section. Previous subsection in section 070, revised for clarity.
WAC 388-97-075 Chemical and physical restraints.	Amended. Revised for clarity. Moved abuse requirements into new section 076.
WAC 388-97-076 Prevention of abuse.	New section. Moved abuse requirements from section 075 and revised for clarity.
WAC 388-97-077 Resident protection program.	New section. Written to implement the processes required by 42 C.F.R. § 488.335.
WAC 388-97-080 Quality of life.	Repealed. This long section was repealed and rewritten for clarity and ease of use to seven new sections, 08010 through 08070.
WAC 388-97-08010 Resident dignity and accommodation of needs.	New section. Previous subsection in 080, revised for clarity.
WAC 388-97-08020 Environment.	New section. Previous subsection in section 080, revised for clarity.
WAC 388-97-08030 Self-determination and participation.	New section. Previous subsection in section 080, revised for clarity.
WAC 388-97-08040 Participation in resident and family groups.	New section. Previous subsection in section 080, revised for clarity.
WAC 388-97-08050 Activities.	New section. Previous subsection in section 080, revised for clarity.
WAC 388-97-08060 Social services.	New section. Previous subsection in section 080, revised for clarity.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-08070 Pets.	New section. Previous subsection in section 080, revised for clarity.
WAC 388-97-085 Resident assessment.	Amended. Revised for clarity. Added revised language for skilled nursing facility/nursing facility assessment requirements from repealed section 275 to consolidate the assessment requirements.
WAC 388-97-090 Comprehensive plan of care.	Amended. Revised for clarity.
WAC 388-97-095 Dementia care unit.	Repealed. Revised and rewritten as section 097 to reflect changes in resident populations.
WAC 388-97-097 Dementia care.	New section. Rewritten to reflect the changes in the nursing home population and address concerns accordingly.
WAC 388-97-100 Discharge planning.	Repealed. Revised and rewritten under section 032.
WAC 388-97-105 Relocation due to decertification, license revocation, closure, evacuation.	Repealed. Rewritten under Subchapter III, section 590.
WAC 388-97-110 Quality of care.	Amended. Revised to reflect changes in 42 C.F.R. § 483.20, and for clarity.
WAC 388-97-115 Nursing services.	Amended. Added from the definition section "directly supervising." Deleted reference to ICF/MR facilities requirements. Revised for clarity.
WAC 388-97-120 Dietary services.	Amended. Reorganized and revised for clarity. Subsections broken into seven additional sections 12010 through 12070 for ease of use.
WAC 388-97-12010 Meal provision.	See comments in section 120 above.
WAC 388-97-12020 Individual dietary needs.	See comments for section 120 above.
WAC 388-97-12030 Dietary personnel.	See comments for section 120 above.
WAC 388-97-12040 Dietary menus.	See comments for section 120 above.
WAC 388-97-12050 Diet orders.	See comments for section 120 above.
WAC 388-97-12060 Modified diets.	See comments for section 120 above.
WAC 388-97-12070 Tube feedings.	See comments for section 120 above.
WAC 388-97-125 Physician services.	Amended. Revised for clarity.
WAC 388-97-130 Specialized rehabilitative and rehabilitative services.	Amended. Revised for clarity.
WAC 388-97-135 Pharmacy services.	Amended. Revised for clarity.
WAC 388-97-140 Infection control.	Amended. Revised for clarity.
WAC 388-97-145 Early identification of persons with active tuberculosis.	Repealed. See new section 147.
WAC 388-97-147 Surveillance, management and early identification of persons with active tuberculosis.	New section. The section contains updated information regarding tuberculosis and combines sections 145 and 150. It requires nursing homes to follow national tuberculosis standards.

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TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-150 Surveillance and management of tuberculosis.	Repealed. See new section 147.
WAC 388-97-155 Care of residents with active tuberculosis.	Amended. Revised for clarity.
WAC 388-97-160 General administration.	Amended. Revised for clarity. Added language regarding nursing homes temporarily without an administrator. Also updated with "whistleblower" requirements from chapter 74.34 RCW.
WAC 388-97-162 Required notification and reporting.	New section. This new section combines in one section many of the notification requirements that may have been found elsewhere in the chapter.
WAC 388-97-165 Staff and equipment.	Amended. Revised for clarity.
WAC 388-97-170 Staff development.	Amended. Revised for clarity.
WAC 388-97-175 Medical director.	Amended. Revised for clarity.
WAC 388-97-180 Clinical records.	Amended. Revised for clarity. Added "authenticated" from the definition section.
WAC 388-97-185 Disaster and emergency preparedness.	Amended. Revised for clarity.
WAC 388-97-190 Quality assessment and assurance.	Amended. Revised for clarity.
WAC 388-97-195 Policies and procedures.	Amended. Revised for clarity.
WAC 388-97-200 Criminal history disclosure and background inquiries.	Repealed. Rewritten as new section 202.
WAC 388-97-202 Criminal history disclosure and background inquiries.	New section. Reworked section 200 to clarify and make more concise.
WAC 388-97-205 Laundry services.	Amended. Clarified.
WAC 388-97-210 Respite services.	Repealed. See new section 212.
WAC 388-97-212 Short term care, respite services and adult day and night care.	New section. Combined sections 210 and 215. Language rewritten for clarity and ease of use.
WAC 388-97-215 Adult day or night care.	Repealed. See new section 212.
WAC 388-97-220 Dialysis services.	Amended. Clarified.
WAC 388-97-225 Nursing facility care.	Repealed. Rewritten under new section 012.
WAC 388-97-230 Discrimination prohibited.	Repealed. Rewritten under new section 017.
WAC 388-97-235 Medical eligibility for nursing facility care.	Repealed. Rewritten under new section 022.
WAC 388-97-240 Nursing facility admission.	Repealed. Rewritten under new section 027.
WAC 388-97-245 Pre-admission screening.	Repealed. Sections 245, 250, and 255 were rewritten in new sections 247, 249, 251 and 253.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-247 Pre-admission screening: Level I.	New section. Sections 247, 249, 251 and 253 are clarifications of repealed sections 245, 250 and 255. The new sections provide clearer direction to providers and implement 42 C.F.R. § 483. Subpart C.
WAC 388-97-249 Advance categorical determinations, not subject to pre-admission screening, Level II.	New section. See comment under new section 247.
WAC 388-97-250 Identification screening for current residents.	Repealed. See comment under section 245.
WAC 388-97-251 Pre-admission screening: Level II.	New section. See comment under new section 247.
WAC 388-97-253 Resident review.	New section. See comment under section 247.
WAC 388-97-255 Pre-admission screening and annual resident review (PASARR).	Repealed. See comment under section 245.
WAC 388-97-260 PASRR determination and appeal rights.	Amended. Clarified.
WAC 388-97-265 Utilization review.	Repealed. Rewritten under new section 037.
WAC 388-97-270 Individual transfer and discharge rights, procedures, appeals.	Repealed. Rewritten under new section 042.
WAC 388-97-275 Resident assessment instrument.	Repealed. Added to section 085.
WAC 388-97-280 Discharge or leave of a nursing facility resident.	Repealed. Rewritten under new section 047.
WAC 388-97-285 Intermediate care facilities for the mentally retarded.	New section. Compiled from ICF/MR issues covered in sections 115 and 175. It was felt that it would be easier for ICF/MR issues in Subchapter I to be in their own section as they are in Subchapter II.
Subchapter II	
WAC 388-97-295 Design.	Amended. Placed general design requirements in this section.
WAC 388-97-29510 New construction compliance.	New section. Placed major issues surrounding new construction compliance in this section.
WAC 388-97-29520 Fire standards and approval, and other standards.	New section. Consolidated repealed sections 300 and 305.
WAC 388-97-29530 Maintenance and repair.	New section. Revised language from repealed section 380 to be under the general heading.
WAC 388-97-29540 Noise.	New section. Combined noise standards from repealed section 080 and 395 into one section.
WAC 388-97-29550 Accessibility in new construction.	New section. General requirement for accessibility moved from 465.
WAC 388-97-29560 Types of new construction.	New section. Consolidated types of new construction here for ease of use.
WAC 388-97-300 Fire standards and approval.	Repealed. See new section 29520.
WAC 388-97-305 Other standards.	Repealed. See new section 29520.

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TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-310 ICF/MR exceptions to physical plant requirements.	Amended. Revised with applicable new section numbers.
WAC 388-97-315 Emergency power.	Amended. Revised, clarified.
WAC 388-97-320 Space and equipment.	Repealed. Language included elsewhere in the subchapter, some in new section 29530.
WAC 388-97-325 Location of a resident care unit.	Amended. This section was "chunked" into additional new sections, 32510 through 32580. New construction language was added to applicable resident care unit sections.
WAC 388-97-32510 Required service areas on resident care units.	New section. See section 325.
WAC 388-97-32520 Staff work stations on resident care units.	New section. See section 325.
WAC 388-97-32530 Call systems on resident care units.	New section. See section 325.
WAC 388-97-32540 Telephones on resident care units.	New section. See section 325.
WAC 388-97-32550 Utility service rooms on resident care units.	New section. See section 325.
WAC 388-97-32560 Drug facilities on resident care units.	New section. See section 325.
WAC 388-97-32570 Linen storage on resident care units.	New section. See section 325.
WAC 388-97-32580 Janitors closets on resident care units.	New section. See section 325.
WAC 388-97-330 Resident rooms.	Amended. This section was "chunked" into additional new sections, 33010 through 33050. New construction language was added to applicable resident room sections.
WAC 388-97-33010 Capacity of resident rooms.	New section. See section 330.
WAC 388-97-33020 Size of resident rooms.	New section. See section 330.
WAC 388-97-33030 Privacy in resident rooms.	New section. See section 330.
WAC 388-97-33040 Resident isolation rooms.	New section. See section 330.
WAC 388-97-33050 Resident room size variance.	New section. See section 330.
WAC 388-97-335 Resident room equipment.	Amended. This section was "chunked" into additional new sections, 33510 through 33580. New construction language was added to applicable resident room equipment sections.
WAC 388-97-33510 Resident bed and bedside equipment.	New section. See section 335.
WAC 388-97-33520 Lockable storage space in resident rooms.	New section. See section 335.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-33530 Wardrobes in resident rooms.	New section. See section 335.
WAC 388-97-33540 Seating in resident rooms.	New section. See section 335.
WAC 388-97-33550 Lighting in resident rooms.	New section. See section 335.
WAC 388-97-33560 Call signal devices in resident rooms.	New section. See section 335.
WAC 388-97-33570 Cubicle curtains in resident rooms.	New section. See section 335.
WAC 388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition.	New section. See section 335.
WAC 388-97-340 Resident toilet facilities or rooms.	Amended. This section was "chunked" into additional new sections, 34010 through 34020. New construction language was added to applicable resident toilet and bathing facility sections.
WAC 388-97-34010 Resident bathing facilities or rooms.	New section. See section 340.
WAC 388-97-34020 Locks in toilet and bathing facilities.	New section. See section 340.
WAC 388-97-345 Dining, health services, recreation, and program areas.	Amended. Language revised for clarity.
WAC 388-97-347 Laundry services and storage.	New section. Moved some language from section 205 to provide physical plant direction for laundry facilities.
WAC 388-97-350 Dementia care unit.	Amended. This section was "chunked" into additional new sections, 35010 through 35060. New construction language was added to applicable dementia care unit sections.
WAC 388-97-35010 Dining areas on a dementia care unit.	New section. See section 350.
WAC 388-97-35020 Outdoor areas on a dementia care unit.	New section. See section 350.
WAC 388-97-35030 Indoor areas on a dementia care unit.	New section. See section 350.
WAC 388-97-35040 Ambulation areas on a dementia care unit.	New section. See section 350.
WAC 388-97-35050 Physical plant on a dementia care unit.	New section. See section 350.
WAC 388-97-35060 Automatic door locks on a dementia care unit.	New section. See section 350.
WAC 388-97-352 Specialized rehabilitation.	New section. Separated from the section (350) that now contains only dementia care unit requirements. Language revised, clarified.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-353 Outpatient rehabilitation.	New section. Separated from the section (350) that now contains only dementia care unit requirements. Language revised, clarified.
WAC 388-97-355 Food service areas.	Amended. Revised.
WAC 388-97-357 Storage.	New section. Consolidated storage requirements from three sections, 325, 435, 445, under 357 through 35720. Used heading of storage.
WAC 388-97-35710 Storage of resident room equipment in a new building or addition.	New section. See section 357.
WAC 388-97-35720 General storage in new construction.	New section. See section 357.
WAC 388-97-360 Lighting and electrical.	Amended. This section was "chunked" into additional new sections, 36010 through 36070. New construction language was added to applicable lighting and electrical sections.
WAC 388-97-36010 Natural or artificial light.	New section. See section 360.
WAC 388-97-36020 Outside lighting.	New section. See section 360.
WAC 388-97-36030 Light shields.	New section. See section 360.
WAC 388-97-36040 Illumination levels in new buildings and additions.	New section. See section 360.
WAC 388-97-36050 Night lights in new construction.	New section. See section 360.
WAC 388-97-36060 Switches in new construction.	New section. See section 360.
WAC 388-97-36070 Electrical outlets.	New section. See section 360.
WAC 388-97-365 Safety.	Amended. Some subsections "chunked" into following section.
WAC 388-97-36510 Safety related to poisons and non-medicinal chemicals.	New section. See section 365.
WAC 388-97-36520 Safety related to storage of equipment and supplies.	New section. See section 365.
WAC 388-97-36530 Safety related to handrails.	New section. See section 365.
WAC 388-97-370 Water supply.	Amended. This section was "chunked" into additional new sections, 37010 through 37020. New construction language was added to applicable water supply sections.
WAC 388-97-37010 Hot water.	New section. See section 370.
WAC 388-97-37020 Cross connections.	New section. See section 370.
WAC 388-97-375 Pest control.	Amended. Clarified.
WAC 388-97-380 Maintenance and repair.	Repealed. Revised language moved to new section 29530.
WAC 388-97-385 Sewage and liquid waste disposal.	Amended. Clarified.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-390 General.	Repealed. Revised language moved to section 295.
WAC 388-97-395 Design requirements.	Repealed. Revised language moved to section 295.
WAC 388-97-400 General new construction documents.	Amended. This section was "chunked" into additional new sections, 40010 through 403. New construction language was added to applicable new construction document sections.
WAC 388-97-40010 Preliminary new construction documents.	New section. See section 400.
WAC 388-97-401 Final new construction documents.	New section. See section 400.
WAC 388-97-402 Pre-installation submissions for new construction.	New section. See section 400.
WAC 388-97-403 New construction timelines.	New section. See section 400.
WAC 388-97-405 Exemptions to new construction requirements.	Amended. Clarified.
WAC 388-97-410 Codes and standards in new construction.	Amended. Clarified language.
WAC 388-97-415 Electrical codes and standards in new construction.	Amended. Updated and clarified language.
WAC 388-97-420 Elevator codes in new construction.	Amended. Updated and clarified language.
WAC 388-97-425 Local codes and ordinances in new construction.	Amended. Updated and clarified language.
WAC 388-97-430 Entrances and exits in new construction.	Amended. This section was "chunked" into additional new sections, 43010 through 43050.
WAC 388-97-43010 Lobbies in new construction.	New section. See section 430.
WAC 388-97-43020 Interview space in new construction.	New section. See section 430.
WAC 388-97-43030 Offices in new construction.	New section. See section 430.
WAC 388-97-43040 Inservice education space in new construction.	New section. See section 430.
WAC 388-97-43050 Staff areas in new construction.	New section. See section 430.
WAC 388-97-435 Resident care unit.	Repealed. Revised language from this section was added to the applicable new sections under the resident care unit heading.
WAC 388-97-440 Resident rooms.	Repealed. Revised language from this section was added to the applicable new sections under the resident rooms heading.
WAC 388-97-445 Resident room equipment.	Repealed. Revised language from this section was added to the applicable new sections under the resident room equipment heading.

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TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-450 Resident toilet and bathing facilities.	Repealed. Revised language from this section was added to the applicable new sections under the resident toilet and bathing facilities heading.
WAC 388-97-455 Visiting and private space in new construction.	Amended. Some subsections from this section were moved to combine with existing facility language for the areas outlined. Another was "chunked" into an additional section, 45510.
WAC 388-97-45510 Outdoor recreation space and walkways in new construction.	New section. See section 455.
WAC 388-97-460 Pools in new construction.	Amended. Some subsections from this section were moved to combine with existing facility language for the areas outlined. Another was "chunked" into an additional section, 46010.
WAC 388-97-46010 Pharmacies in new construction.	New section. See section 46010.
WAC 388-97-465 Elevators in new construction.	Amended. This section was "chunked" into additional new sections, 46510 through 46595.
WAC 388-97-46510 Stairways, ramps, and corridors in new construction.	New section. See section 465.
WAC 388-97-46520 Walking surfaces in a new building or addition.	New section. See section 465.
WAC 388-97-46530 Doors in new construction.	New section. See section 465.
WAC 388-97-46540 Floor finishes in new construction.	New section. See section 465.
WAC 388-97-46550 Carpets in new construction.	New section. See section 465.
WAC 388-97-46560 Covering in new construction.	New section. See section 465.
WAC 388-97-46570 Walls in new construction.	New section. See section 465.
WAC 388-97-46580 Accessories in new construction.	New section. See section 465.
WAC 388-97-46590 Miscellaneous in new construction.	New section. See section 465.
WAC 388-97-470 Heating systems in new construction.	Amended. This section was "chunked" into additional new sections, 47010 through 47020.
WAC 388-97-47010 Cooling systems in new construction.	New section. See section 470.
WAC 388-97-47020 Ventilation systems in new construction.	New section. See section 470.
WAC 388-97-475 Electrical.	Repealed. Subsections moved to 315, and 360 through 36070.
WAC 388-97-480 Handwashing sinks in new construction.	Amended. This section was "chunked" into additional new sections, 48010 through 48040.
WAC 388-97-48010 Drinking fountains in new construction.	New section. See section 480.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-48020 Mixing valves in new construction.	New section. See section 480.
WAC 388-97-48030 Spouts in new construction.	New section. See section 480.
WAC 388-97-48040 Faucet controls in new construction.	New section. See section 480.
Subchapter III	
WAC 388-97-550 Initial nursing home license.	New section. Initial license requirements in repealed section 010 revised and written here.
WAC 388-97-555 Nursing home license renewal.	New section. License renewal requirements in repealed section 010 revised and written here.
WAC 388-97-560 Department review of initial nursing home license applications.	New section. This new section contains requirements from repealed section 015, revised and written here.
WAC 388-97-565 Department review of nursing home license renewal.	New section. This new section contains requirements from repealed section 015, revised and written here.
WAC 388-97-570 Reasons for denial, suspension, modification, refusal to renew, or revocation of a nursing home license.	New section. Moved from repealed section 050, revised and written here.
WAC 388-97-575 Appeal of the department's licensing decision.	New section. This new section provides information about the appeal process as it relates to a department licensing decision.
WAC 388-97-580 Management agreements.	New section. This new section spells out the requirements related to these agreements.
WAC 388-97-585 Change of ownership.	New section. Moved from repealed section 030, revised and written here.
WAC 388-97-590 Licensed bed capacity.	New section. Moved from repealed section 025, revised and written here.
WAC 388-97-595 Relocation of residents.	New section. Moved from repealed section 105, revised and written here.
WAC 388-97-600 License relinquishment.	New section. Moved from repealed section 045, revised and written here.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Statute Being Implemented: Chapters 18.51 and 74.42 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Irene Owens, P.O. Box 45600, Olympia, WA 98504-5600, 1-800-422-3263, or (360) 438-8978; Implementation and Enforcement: NHQA, P.O. Box 45600, Olympia, WA 98504-5600, 1-800-422-3263, or (360) 438-8978.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and has determined that there is no increase in existing costs, no imposition of a new cost and no decrease in benefit to the providers.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule and a cost benefit analysis has been prepared. To request a copy see the staff person identified above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on January 25, 2000, at 10:00 a.m.; and at Children and Family Services, 1313 North Atlantic Street, Suite 2000, SW Conference Room, Spokane, WA 99201, on January 27, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 14, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by January 27, 2000.

Date of Intended Adoption: February 23, 2000.

November 18, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

~~((KEY:~~

~~Decreed sections are indicated by a statement at the beginning of the section and by the use of small capital-ized print within the section. Deeming means the state requirement is similar to the cited federal requirement and if the federal requirement is met, the facility is deemed to meet the state requirement.))~~

SUBCHAPTER I

~~((LICENSE AND OPERATIONS))~~ **RESIDENT RIGHTS, CARE AND RELATED SERVICES**

DEFINITIONS

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-005 Definitions. ~~((1))~~ **"Abandonment"** means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Further clarification of the definition of abuse, and examples of types of behavior that constitute abuse are described in RCW 74.34.020(2).

"Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.88.175 ~~((as now or hereafter amended.~~

~~(2))~~ **or successor laws.**

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

~~((3))~~ **"Attending physician"** means the doctor responsible for a particular ~~((person's))~~ individual's total medical care.

~~((4))~~ **"Authenticated"** means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible person.

~~(5))~~ **"Berm"** means a bank of earth piled against a wall.

~~((6))~~ **"Chemical restraint"** means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

~~((7))~~ **"Dementia care"** means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

~~((8))~~ **"Department"** means the state department of social and health services (DSHS).

~~((9))~~ **"Dietitian"** means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

~~((10))~~ **"Directly supervising"** means the supervising person is on the premises and is quickly and easily available to provide necessary:

- (a) Assessments and other direct care of residents; and
- (b) Oversight of supervised staff.

~~(11))~~ **"Disclosure statement"** means a signed statement by ~~((a person))~~ an individual indicating whether or not the ~~((person))~~ individual was found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult ~~((person))~~ individual.

~~((12))~~ **"Drug"** means a substance:

~~((a))~~ (1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

~~((b))~~ (2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

~~((13))~~ **"Drug facility"** means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((14))~~ **"Entity"** means any type of firm, partnership, corporation, company, association, or joint stock association, and the legal successor(s).

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach ~~((a person))~~ an individual previously undeveloped skills.

~~((15))~~ **"Intermediate care facility for the mentally retarded (ICF/MR)"** means an institution certified under chapter 42 C.F.R., Part 483, Subpart I((

PROPOSED

(16) "Lavatory" means a handwashing sink.

(17)) and licensed under chapter 18.51 RCW.

"Licensed practical nurse" means ~~((a person))~~ an individual licensed under chapter ~~((18-78))~~ 18.79 RCW;

~~((18))~~ **"Misappropriation of resident property"** means the illegal or improper, patterned or deliberate misplacement, exploitation, temporary or permanent use of a resident's belongings.

"NFPA" means National Fire Protection Association, Inc.

~~((19))~~ **"Neglect"** means that an individual or entity with a duty of care for nursing home residents has by:

(1) A pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain; or

(2) An act or omission demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 ~~((as now or hereafter amended))~~ or successor laws.

~~((20))~~ **"Nursing facility (NF)"** or **"Medicaid-certified nursing facility"** means a nursing facility as defined in Section 1919(a) of the Federal Social Security Act and regulations ~~((promulgated thereunder, as now or hereafter amended))~~.

~~((21))~~ put into effect under that law, or under successor laws.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

~~((22))~~ **"Pharmacist"** means ~~((a person))~~ an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

~~((23))~~ **"Pharmacy"** means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

~~((24))~~ **"Physical restraint"** means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

~~((25))~~ **"Physician's assistant (PA)"** means a physician's assistant as defined under chapter 18.57A or 18.71A RCW ~~((, as now or hereafter amended))~~ or successor laws.

~~((26))~~ **"Reasonable accommodation"** and **"reasonably accommodate"** has the meaning given in federal and state anti-discrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Registered nurse" means ~~((a person))~~ an individual licensed under chapter ~~((18-88))~~ 18.79 RCW ~~((, as now or hereafter amended))~~ or successor laws.

~~((27))~~ **"Rehabilitative services"** means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore ~~((a person to the person's))~~ an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

~~((28))~~ **"Resident"** generally means ~~((a person))~~ an individual residing in a nursing home, and if applicable, the surrogate decision maker. The term resident excludes outpatients and ~~((persons))~~ individuals receiving adult day or night care, or respite care.

~~((29))~~ **"Resident care unit"** means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

~~((30))~~ **"Respiratory isolation"** is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~((31))~~ **"Siphon jet clinic service sink"** means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

~~((32))~~ **"Skilled nursing facility (SNF)"** or **"Medicare-certified skilled nursing facility"** means a skilled nursing facility as defined in Section 1819(a) of the Federal Social Security Act and regulations ~~((promulgated thereunder, as now or hereafter amended))~~ put into effect under that law, or successors to that law.

~~((33))~~ **"Social/therapeutic leave"** means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

~~((34))~~ **"Staff work station"** means a location at which nursing and other staff perform charting and related activities throughout the day.

~~((35))~~ **"Surrogate decision maker"** means a resident representative or representatives as outlined in WAC 388-97-055 ~~((, Resident representative and decision making))~~, and as established by law under chapter 7.70 RCW.

~~((36))~~ **"Toilet room"** means a room containing at least one toilet fixture.

~~((37))~~ **"Volunteer"** means ~~((a person))~~ an individual who is a regularly scheduled ~~((person))~~ individual not receiving payment for services and having unsupervised access to a nursing home resident.

~~((NURSING HOME LICENSE))~~**ADMISSION, TRANSFER AND DISCHARGE****NEW SECTION**

WAC 388-97-012 Nursing facility care. The nursing facility must provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. § 483.1 through 483.206, or successor laws, and other applicable federal requirements.

NEW SECTION

WAC 388-97-017 Discrimination prohibited. (1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services covered under the state Medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

(a) Residents or potential residents to waive their rights to Medicare or Medicaid;

(b) Oral or written assurance that residents or potential residents are not eligible for, or will not apply for Medicare or Medicaid benefits; and

(c) A third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may require an individual who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must not:

(a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a Medicaid recipient;

(b) Transfer a resident, except from a single room to another room within the facility, because of the resident's status as a Medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a Medicaid recipient; or

(d) Charge Medicaid recipients any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

(5) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

(a) Offer admission to individuals in the order they appear on the list, provided the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;

(b) Retain the list of individuals seeking admission for one year from the month admission was requested; and

(c) Offer admission to the portions of the facility certified under Medicare and Medicaid without discrimination against persons eligible for Medicaid.

(6) A nursing facility must develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

NEW SECTION

WAC 388-97-022 Medical eligibility for nursing facility care. (1) An individual eligible for nursing facility care is one who requires more than supervision, protection, and limited assistance with activities of daily living, because of medical, physical and/or cognitive problems.

(2) An individual will be eligible for nursing facility care if he or she is found by the department to:

(a) Have complex medical needs that require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(b) Require assistance in two or more activities of daily living (ADL). Activities of daily living include bed mobility, transferring from one surface to another, walking, dressing, eating, toilet use, personal hygiene, and bathing; or

(c) Be moderately impaired in cognitive decision making regarding tasks of daily life, and require extensive assistance in at least one ADL. "**Moderately impaired**" means that the individual's decisions are poor, and that reminders, cues, and supervision are required to assist the individual in planning, organizing, and correcting daily routines.

NEW SECTION

WAC 388-97-027 Nursing facility admission and payment requirements. (1) A nursing facility must not admit any individual unless:

(a) The physician, hospital, department, or department designee screens the individual for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247;

(b) The department assesses any Medicaid applicant or recipient and determines that the individual meets financial eligibility requirements, and the medical eligibility requirements described in WAC 388-97-022; and

(c) For an individual admitted on a weekend, holiday, or after business hours, the nursing facility or hospital requests an assessment from the department.

(2) For current residents converting from another payment source to Medicaid, Medicaid payment will begin on the date of the:

(a) Financial application for nursing facility care; or

(b) Request for an assessment, whichever is earlier.

(3) For current residents converting to Medicaid, Medicaid payment will go back no more than three months prior to the date of the financial application.

(4) For new admissions, who have been determined to meet the financial and medical eligibility criteria for Medicaid nursing facility care prior to admission, Medicaid payment will begin the date Medicaid covered nursing facility care actually begins.

PROPOSED

(5) A nursing facility must not collect payment, including a deposit or minimum stay fee, from a Medicaid-eligible individual, or that individual's family or representative, for any services provided prior to the date the nursing facility makes a request to the department for an assessment.

NEW SECTION

WAC 388-97-032 Discharge planning. (1) A resident has the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home must:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator(s);

(iii) In the case of a Medicaid certified nursing facility, the address and telephone number for the department's local home and community services office; and

(iv) In the case of a resident identified through pre-admission screening and resident review (PASRR) as having a developmental disability or mental illness, the address and telephone number for the division of developmental disabilities or the mental health PASRR contractor.

(2) The nursing home must prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home must:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(b) In the case of a Medicaid resident, coordinate the plan with the department's home and community services staff;

(c) In the case of a resident identified through PASRR as having a developmental disability or mental illness, coordinate the plan with the division of developmental disabilities or the mental health PASRR contractor;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to:

(i) The resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care, and to reduce potential transfer trauma, including, but

not limited to, pre-transfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home must:

(a) Document the specific reasons transfer or discharge is not anticipated in that time frame;

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive plan of care review. If the reasons documented under subsection (3)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of plan of care review.

(4) The nursing home must initiate discharge planning on residents described in subsection (3) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When there is a change in the resident's situation or status which indicates a potential for transfer or discharge within the next three months.

(5) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home must assist with and coordinate the resident's transfer or discharge. The Medicaid resident, resident's representative, or nursing facility may request assistance from the department's home and community services or, where applicable, the division of developmental disabilities or mental health in the transfer or discharge planning and implementation process.

(6) The nursing home must coordinate all resident transfers and discharges with the resident, the resident's representative and any other involved individual or entity.

(7) When a nursing home anticipates discharge, a resident must have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in WAC 388-97-085(1), at the time of discharge that is available for release to authorized individuals and agencies, with the consent of the resident or and surrogate decision maker; and

(c) A post-discharge plan of care that is developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

NEW SECTION

WAC 388-97-037 Utilization review. (1) To assure appropriate use of Medicaid services, the nursing facility must determine whether each Medicaid resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility must base its determination on:

(i) An accurate, comprehensive assessment process; and

(ii) Documentation by the resident's physician.

(b) The nursing facility must not make this determination for residents the department is responsible to assess under WAC 388-97-251.

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility must initiate transfer or discharge in accordance with WAC 388-97-042, 388-97-043, and 42

C.F.R. § 483.12, or successor laws, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a Medicaid recipient under subsection (2) of this section:

(a) The resident will be ineligible for Medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) The department's home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when the department's home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

NEW SECTION

WAC 388-97-042 Individual transfer and discharge rights and procedures. (1) The nursing home must comply with all of the requirements of 42 C.F.R. § 483.10 and § 483.12, and RCW 74.42.450 (1) through (4) and (7), or successor laws, including the following provisions and must not transfer or discharge any resident from the nursing home unless:

(a) At the resident's request;

(b) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) The transfer or discharge is appropriate because the resident's health has improved enough so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the facility is endangered;

(e) The health of individuals in the facility would otherwise be endangered; or

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility.

(2) The following notice requirements apply if a nursing home/facility initiates the transfer or discharge of a resident. The notice must:

(a) Include all information required by 42 C.F.R. § 483.12 when given in a nursing facility;

(b) Be in writing, in language the resident understands;

(c) Be given to the resident, the resident's surrogate decision maker, if any, the resident's family and to the department;

(d) Be provided thirty days in advance of a transfer or discharge initiated by the nursing facility, except that the notice may be given as soon as practicable when the facility

cannot meet the resident's urgent medical needs, or under the conditions described in (1)(c), (d), and (e) of this section; and

(e) Be provided fifteen days in advance of a transfer or discharge initiated by the nursing home, unless the transfer is an emergency.

(3) The nursing home must:

(a) Provide sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the nursing home;

(b) Attempt to avoid the transfer or discharge of a resident from the nursing home through the use of reasonable accommodations unless agreed to by the resident and the requirements of WAC 388-97-032 are met; and

(c) Develop and implement a bed-hold policy. This policy must be consistent with any bed-hold policy that the department develops.

(4) The nursing home must provide the bed-hold policy, in written format, to the resident, and a family member, before the resident is transferred or goes on therapeutic leave. At a minimum the policy must state:

(a) The number of days, if any, the nursing home will hold a resident's bed pending return from hospitalization or social/therapeutic leave;

(b) That a Medicaid eligible resident, whose hospitalization or social/therapeutic leave exceeds the maximum number of bed-hold days will be readmitted to the first available semi-private bed, provided the resident needs nursing facility services. Social/therapeutic leave is defined under WAC 388-97-005. The number of days of social/therapeutic leave allowed for Medicaid residents and the authorization process is found under WAC 388-97-047; and

(c) That a Medicaid eligible resident may be charged if he or she requests that a specific bed be held, but may not be charged a bed-hold fee for the right to return to the first available bed in a semi-private room.

(5) The nursing facility must send a copy of the federally required transfer or discharge notice to:

(a) The department's home and community services when the nursing home has determined under WAC 388-97-037, that the Medicaid resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The appropriate nursing home quality assurance district manager when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under Medicare or Medicaid, a stay at the facility.

NEW SECTION

WAC 388-97-043 Transfer and discharge appeals for residents in Medicaid certified facilities. (1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payment status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the nursing facility's transfer or discharge decision. The appeals process is set forth in chapter 388-08 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter will prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a Medicare certified or Medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing facility or skilled nursing facility.

NEW SECTION

WAC 388-97-047 Discharge or leave of a nursing facility resident. (1) A nursing facility or hospital must send immediate written notification of the date of discharge or death of a Medicaid resident to the department's local home and community service office.

(2) The nursing facility must:

(a) Notify the department of nursing facility discharge and readmission for all Medicaid recipients admitted as hospital inpatients; and

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will pay the nursing facility for a Medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) The department's home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authorization from the department's home and community services, the department will not make payment to a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) An individual who is on social/therapeutic leave retains the status of a nursing facility resident.

NEW SECTION

WAC 388-97-051 Resident rights. (1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and communication with, and access to individuals and services inside and outside the nursing home.

(3) A nursing home must promote and protect the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights.

(4) The resident has the right to:

(a) Exercise his or her rights as a resident of the nursing home and as a citizen or resident of the United States. Refer to WAC 388-97-055;

(b) Be free of interference, coercion, discrimination, and reprisal from the nursing home in exercising his or her rights; and

(c) Not be asked or required to sign any contract or agreement that includes provisions to waive:

(i) Any resident right set forth in this chapter or in the applicable licensing or certification laws; or

(ii) Any potential liability for personal injury or losses of personal property.

(5) The nursing home must take steps to safeguard residents and their personal property from foreseeable risks of injury or loss.

NEW SECTION

WAC 388-97-052 Free choice. The resident has the right to:

(1) Choose a personal attending physician.

(2) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being.

(3) Participate in planning care and treatment or changes in care and treatment.

NEW SECTION

WAC 388-97-053 Statutes implemented in resident decision making, informed consent and advance directives. WAC 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapters 11.94; 7.70; 70.122; 11.88; and 11.92 RCW.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-055 Resident (~~(representative and)~~) **decision making.** (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home (~~(shall)~~) must determine if the resident:

(a) (~~(Whether the resident)~~) Has appointed another (~~(person)~~) individual to make his or her health care, financial, or other decisions (~~(for the resident)~~);

(b) (~~(Whether the resident)~~) Has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) (~~(If a resident)~~) Is not making (~~(the resident's)~~) his or her own decisions, and identify who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) The nursing home must review the requirements of (1) of this section when the resident's condition warrants the review or when there is a significant change in the resident's condition.

(3) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home (~~(shall)~~) must:

(a) (~~(Seek)~~) Obtain copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the (~~(person)~~) individual who has legal authority for substitute decision making;

(ii) The type of decision making authority such (~~(person)~~) individual has; and

(iii) Where copies of the legal documents are located at the facility.

(~~(3) In this chapter, the term "resident" includes the resident's surrogate decision maker~~)

(4) In accordance with state law or at the request of the resident(-), the resident's surrogate decision maker is, in the case of:

(a) (~~(In the case of)~~) A capacitated resident, ((the surrogate decision maker is the person)) the individual authorized by the resident to make decisions on the resident's behalf;

(b) (~~(In the case of)~~) A resident adjudicated by a court of law to be incapacitated, ((the surrogate decision maker is) the court appointed guardian; and

(c) (~~(In the case of)~~) A resident who has been determined to be incapacitated, but is not adjudicated incapacitated((-the surrogate decision maker is)) established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(~~(4)) (5) Determination of ((a person's incapacity shall be a legal, not medical decision)) an individual's incapacity must be a process according to state law not a medical diagnosis only and be based on:~~

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(~~(5) The nursing home shall:~~

(a) ~~Regularly review any determination of incapacity based on subsections (3)(b) and (c) of this section; and~~

(b) ~~If an incapacitated resident regains capacity, cease to rely upon the surrogate decision maker to exercise the resident's rights, unless so designated by the resident or by court order.)~~

(6) The nursing home (~~(shall)~~) must promote the resident's right to exercise decision making and self-determination to the fullest extent possible, taking into consideration his or her ability to understand and respond. Therefore, the nursing home (~~(shall)~~) must presume that the resident is the resident's own decision maker unless:

(a) A court has established a full guardianship of the individual;

(b) The capacitated resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document such as a durable power of attorney for health care; or

(d) (~~(A resident has become legally incapacitated)) The facility determines that the resident is an incapacitated individual according to RCW 11.88.010.~~

(7) The nursing home (~~(shall)~~) must honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with this section and with state and federal law which govern his or her appointment((-and with this section)).

(8) If a surrogate decision maker exercises a resident's rights, the nursing home (~~(shall)~~) must take into consideration the resident's ability to understand and respond and must:

(a) Inform the resident that a surrogate decision maker has been consulted;

(b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and

(c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:

(i) Protect the resident's rights; and

(ii) Comply with state and federal laws.

(9) The nursing home must:

(a) Regularly review any determination of incapacity based on (4)(b) and (c) of this section;

(b) Except for residents with a guardian, cease to reply upon the surrogate decision maker to exercise the resident's rights, if the resident regains capacity, unless so designated by the resident or by court order; and

(c) In the case of a guardian, notify the court of jurisdiction, in writing, if the resident regains capacity, if the guardian is not respecting or promoting the resident's rights, or if the guardianship should be modified or a different guardian appointed.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-060 Informed consent. (1) (~~(The nursing home as a health care provider as defined in chapter 7.70 RCW, Actions for injuries resulting from health care, shall~~

PROPOSED

~~follow the informed consent process as required in chapter 7.70 RCW in the development of the resident's comprehensive care plan. Refer to WAC 388-97-090, Comprehensive care planning.~~

~~(2)) The nursing home ((shall follow this)) must ensure that the informed consent process is followed with:~~

~~(a) The resident to the maximum extent possible, taking into consideration his or her ability to understand and respond; and~~

~~(b) ((Any other person the resident has directed be consulted); and~~

~~(e)) The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065.~~

~~(2) The informed consent process must include, in words and language that the resident, or if applicable the resident's surrogate decision maker, understands, a description of:~~

~~(a) The nature and character of the proposed treatment;~~

~~(b) The anticipated results of the proposed treatment;~~

~~(c) The recognized possible alternative forms of treatment;~~

~~(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment including nontreatment; and~~

~~(e) The right of the resident to choose not to be informed.~~

~~(3) To ensure informed consent or refusal by a resident, or if applicable the resident's surrogate decision maker, regarding ((care)) plan or care options, the nursing home ((shall)) must:~~

~~(a) Provide the informed consent process to the resident in a neutral manner and in a language, words, and manner the resident can understand;~~

~~(b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and ((care)) plan of care development (see WAC 388-97-085 and 388-97-090) and with condition changes, as necessary to ensure that the resident's wishes are known;~~

~~(c) Inform the resident at the time of initial ((care)) plan of care decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;~~

~~(d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-085((-Resident assessment)) and ((WAC)) 388-97-090((-Comprehensive care planning)); and~~

~~(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections ((+)) (2) and (3) of this section.~~

~~(4) The nursing home ((shall)) must take into account that if a resident's rights are being exercised by a surrogate decision maker, the surrogate decision maker ((shall)) must:~~

~~(a) First determine if the resident would consent or refuse the proposed or alternative treatment;~~

~~(b) Discuss determination of consent or refusal with the resident whenever possible; and~~

~~(c) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.~~

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-065 Advance directives. (1) "Advance directive" as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment ((order; code/no code order)) cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and anatomical gifts.

(2) The nursing home ((shall)) must carry out the provisions of this section in accordance with WAC 388-97-055((-Resident representative and decision making;)) and ((WAC)) 388-97-060((-Informed consent)), and with state law.

(3) The nursing home ((shall)) must:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not request or require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;

(c) In a language and words the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:

(i) The right to make health care decisions, including the right to change his or her mind regarding previous decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and

(d) Review and update as needed the resident advance directive information:

(i) At the resident's request;

(ii) When the resident's condition warrants review; and

(iii) When there is a significant change in the resident's condition.

~~((e) If needed, based on the outcome of the review in subsection (3)(d) of this section, update advance directive information.))~~

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home ((shall)) must:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict; and

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home((-and

~~(e) Develop a plan in accordance with subsection (5) of this section; and~~

~~(f) Attach the plan to the resident's directive in the clinical record.~~

(5)):

(i) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes(-

(6)), Attach the plan to the resident's directive in the resident's clinical record; or

(ii) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy (~~as determined in subsection (4)(b) of this section;~~) the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home (~~shall~~) must assist the resident in locating other appropriate services.

(~~(7))~~ (5) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home (~~shall~~) must:

(a) Use the informed consent process as described in WAC (~~388-97-120, Informed consent~~) 388-97-060, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

NEW SECTION

WAC 388-97-07005 Notice of rights and services. (1)

The nursing home must inform the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally and in writing and in language and words that the resident understands, of his or her rights as a resident, including:

(a) All rules and regulations governing resident conduct and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any facility policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice or transfer requirements, consistent with RCW 70.129.150;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the facility and of charges for those services, including any charges for services not covered under Medicare or Medicaid or by the facility's per diem rate.

(2) The resident has the right:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours for Medicare certified and Medicaid certified facilities, and according to chapter 70.02 RCW; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, "working days" means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The Medicare certified and Medicaid certified facility must inform each resident:

(a) Who is entitled to Medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for Medicaid of the items, services and activities:

(i) That are included in nursing facility services under the Medicaid state plan and for which the resident may not be charged; and

(ii) That the facility offers and for which the resident may be charged, and the amount of charges for those services;

(b) That deposits and prepayment cannot be solicited or accepted from Medicare or Medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on Medicare or Medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the facility rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the facility, must provide the individual:

(i) Full disclosure in writing:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the facility; and

(B) Prior to admission of what portion of the deposits, admissions fees, or minimum stay fee will be refunded to the resident if the resident leaves the facility.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the facility, the nursing home:

(i) Must refund any deposit or charges already paid, less the facility's per diem rate, for the days the resident actually resided or reserved or retained a bed in the facility, regardless of any minimum stay or discharge notice requirements; except that

(ii) The facility may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the facility; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract must be consistent with the requirements of this section.

PROPOSED

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-07015.

(b) In the case of a nursing facility only, a description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment which determines the extent of a couple's nonexempt resources at the time of institutionalization and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the institutionalized spouse's medical care in his or her process of spending down to Medicaid eligibility levels;

(c) A posting of names, addresses, and telephone numbers of all relevant state client advocacy groups such as the state survey and certification agency, the state licensure office, the state ombudsman program, the protection and advocacy network, and the Medicaid fraud control unit; and

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) The skilled nursing facility and nursing facility must prominently display in the facility written information, and provide to residents and applicants for admission oral and written information, about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under Medicare or Medicaid, with the applicable federal requirements.

NEW SECTION

WAC 388-97-07010 Notification of changes. (1) A nursing home must immediately inform the resident, consult with the resident's physician, and if known, notify the resident's surrogate decision maker, and when appropriate, with resident consent, interested family member(s) when there is:

(a) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(b) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychological status in either life-threatening conditions or clinical complications); refer to WAC 388-97-055;

(c) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(d) A decision to transfer or discharge the resident from the facility.

(2) The nursing home must also promptly notify the resident and, if known, the resident's surrogate decision maker, and when appropriate, with the resident's consent, interested family member(s) when there is:

(a) A change in room or roommate assignment, refer to the timing requirements in WAC 388-97-07065; or

(b) A change in resident rights under federal or state law or regulations as specified in WAC 388-97-07005.

(3) The nursing home must record and periodically update the address and phone number of the resident's legal surrogate decision maker and interested family member(s).

NEW SECTION

WAC 388-97-07015 Protection of resident funds. (1)

The resident has the right to manage his or her financial affairs and the nursing home may not require residents to deposit their personal funds with the nursing home.

(2) Upon written authorization of a resident, the nursing home must hold, safeguard, manage and account for the personal funds of the resident deposited with the nursing home.

(3) The nursing home must establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf and must:

(a) Deposit any resident's personal funds in excess of fifty dollars, one hundred dollars for Medicare residents, in an interest-bearing resident personal fund account or accounts, separate from any nursing home operating accounts, and credit all interest earned to the account;

(b) Keep personal funds under fifty dollars, one hundred dollars for Medicare residents, in a noninterest-bearing account or petty cash fund maintained for residents; and

(c) Make the individual financial record available to the resident or his or her surrogate decision maker through quarterly statements and on request.

(4) The nursing facility must notify each resident that receives Medicaid benefits:

(a) When the amount in the resident's account reaches two hundred dollars less than the SSI resource limit for one individual; and

(b) That if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the SSI resource limit for one individual, the resident may lose eligibility for Medicaid or SSI.

(5) The nursing home must convey the resident's funds, and a final accounting of those funds, to the individual or jurisdiction administering the resident's estate, within thirty days of the death of any resident with a personal fund deposited with the nursing home. For a Medicaid resident, the funds must be sent to the state of Washington, department of social and health services, office of financial recovery.

(6) The nursing facility must purchase a surety bond, or an approved alternative, to assure security of personal funds of residents deposited with the facility.

(7) Medicare certified and Medicaid certified facilities may not impose a charge against a resident's personal funds

for any item or service for which payment is made under Medicaid or Medicare as described in 42 C.F.R. § 483.10 (c)(8).

(8) Medicare certified and Medicaid certified nursing facilities must:

(a) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(b) Not require a resident, or the resident's representative, to request any item or service as a condition of admission or continued stay; and

(c) Inform the resident, or the resident's representative, requesting an item or services for which a charge will be made that there will be a charge for the item or service and what the charge will be.

NEW SECTION

WAC 388-97-07020 Privacy and confidentiality. (1) The resident has the right to personal privacy and confidentiality of his or her personal and clinical records. Personal privacy includes:

- (a) Accommodations;
- (b) Medical treatment;
- (c) Written and telephone communications
- (d) Personal care;
- (e) Visits; and
- (f) Meetings with family and resident groups.

(2) The resident may approve or refuse the release of personal and clinical records to any individual outside the nursing home, unless the resident has been adjudged incapacitated according to state law.

(3) The resident's right to refuse release of personal and clinical records does not apply when:

- (a) The resident is transferred to another health care institution; or
- (b) Record release is required by law.

NEW SECTION

WAC 388-97-07025 Work. The resident has the right to:

- (1) Refuse to perform services for the nursing home; and
- (2) Perform services for the nursing home, if he or she chooses, when:

(a) The facility has documented the need or desire for work in the plan of care;

(b) The plan specifies the nature of the services performed and whether the services are voluntary or paid;

(c) Compensation for paid services is at or above prevailing rates; and

(d) The resident agrees to the work arrangement described in the plan of care.

NEW SECTION

WAC 388-97-07030 Self-administration of drugs. A resident may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

NEW SECTION

WAC 388-97-07035 Grievance rights. A resident has the right to:

(1) Voice grievances without discrimination or reprisal. Grievances include those with respect to treatment which has been furnished as well as that which has not been furnished.

(2) Prompt efforts by the nursing home to resolve voiced grievances, including those with respect to the behavior of other residents.

(3) File a complaint, contact, or provide information to the department, the long-term care ombudsman, the attorney general's office, and law enforcement agencies without interference, discrimination, or reprisal. All forms of retaliatory treatment are prohibited, including those listed in chapter 74.39A RCW.

(4) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

NEW SECTION

WAC 388-97-07040 Examination of survey results. (1) A resident has the right to examine the results of the most recent survey and complaint investigation of the nursing home conducted by federal and state surveyors or inspectors and the plans of correction in effect with respect to the facility.

(2) The nursing home must:

(a) Publicly post a copy of the report and plan of correction of the most recent full survey and complaint investigations;

(b) Make the copy of the survey and complaint investigation results available for examination in a place readily accessible to residents, which does not require staff intervention to access;

(c) Post a notice that the results of the survey and investigation are available and the location of the reports; and

(d) Post reports, with plans of correction, and notices in a place or places in plain view of the nursing home residents, individuals visiting those residents, and individuals who inquire about placement in the facility.

NEW SECTION

WAC 388-97-07045 Resident mail. The resident has the right to privacy in written communications, including the right to:

(1) Send and promptly receive mail that is unopened; and

(2) Have access to stationery, postage and writing implements at the resident's own expense.

NEW SECTION

WAC 388-97-07050 Access and visitation rights. (1) The resident has the right and the nursing home must provide immediate access to any resident by the following:

(a) Any representative of the secretary;

(b) Any representative of the state;

(c) The resident's personal physician;

PROPOSED

(d) Any representative of the state long term care ombudsman (established under section 307 (a)(12) of the Older American's Act of 1965);

(e) The agency responsible for the protection and advocacy system for developmentally disabled individuals (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f) The agency responsible for the protection and advocacy system for mentally ill individuals (established under the Protection and Advocacy for Mentally Ill Individuals Act);

(g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(2) The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and consistent with state law. The ombudsman may also, under federal law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 C.F.R. § 3058g(b).

NEW SECTION

WAC 388-97-07055 Telephone. The resident has the right to have twenty-four hour access to a telephone which:

- (1) Provides auditory privacy;
- (2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and
- (3) Does not include the use of telephones in staff offices and at the nurses station(s).

NEW SECTION

WAC 388-97-07060 Personal property. (1) The resident has the right, unless to do so would infringe upon the rights or health and safety of other residents, to:

- (a) Retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits; and
- (b) Provide his or her own bed and other furniture, if desired and space permits; and
- (c) Not be required to keep personal property locked in the facility office, safe, or similar arrangement.

(2) The nursing home must:

- (a) Not request or require residents to sign waivers of potential liability for losses of personal property; and
- (b) Have a system in place to safeguard personal property within the nursing home that protects the personal property and yet allows the resident to use his or her property.

NEW SECTION

WAC 388-97-07065 Roommates/rooms. (1) A resident has the right to:

(a) Share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement; and

(b) Receive three days notice of change in room or roommate except:

(i) For room changes: The move is at the resident's request; and

(ii) For room or roommate changes: A longer or shorter notice is required to protect the health or safety of the resident or another resident; or an admission to the facility is necessary, and the resident is informed in advance. The nursing home must recognize that the change may be traumatic for the resident and take steps to lessen the trauma.

(2) The nursing home must make reasonable efforts to accommodate residents wanting to share the same room.

NEW SECTION

WAC 388-97-07070 Refusal of certain transfers. In dually certified facilities all beds are Medicaid certified. Therefore the beds in a certified distinct part for Medicare are also nursing facility beds for Medicaid.

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to relocate:

(a) A resident from the Medicare distinct part of the facility to a part of the facility that is not a Medicare distinct part; or

(b) A resident from the part of the facility that is not a Medicare distinct part to the Medicare distinct part of the facility.

(2) A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to Medicare or Medicaid benefits.

(3) The skilled nursing facility or nursing facility must inform residents of their rights under subsection (1) and (2) of this section at the time of the proposed transfer or relocation.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-075 (~~(Nursing home practices—Resident restraint and prevention of abuse)~~ **Chemical and physical restraints.** (1) (~~(Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.13 will be deemed to meet subsections (2)(a) and (7) through (12) of this section.~~

(2) ~~The resident has the right to be free from any physical or chemical restraints imposed for purposes of:~~

~~(a) DISCIPLINE OR CONVENIENCE, AND NOT REQUIRED TO TREAT THE RESIDENT'S MEDICAL SYMPTOMS; OR~~

~~(b) Preventing or limiting independent mobility or activity, except that a restraint may be used in a bona fide emergency situation when necessary to prevent a person from inflicting injury upon self or others. The nursing home shall~~

obtain within seventy-two hours a physician's order for proper treatment resolving the emergency situation and eliminating the cause for the restraint. Intermediate care facilities for the mentally retarded (ICF/MR) are not required to obtain a physician's order for emergency restraints:

(3) The nursing home shall have written policies and procedures in place governing:

(a) Use of chemical and physical restraints;

(b) The personnel authorized to administer restraints in an emergency; and

(c) Monitoring and controlling the use of restraints.

(4) In certain situations, physical restraints may be necessary for persons with acute or chronic physical impairments. In these situations, the nursing home shall ensure the use of physical restraints is related to a specific need or problem identified in the comprehensive care plan.

(5) In any situation where chemical or physical restraint is used for a resident, the nursing home shall ensure:

(a) The informed consent process is followed as described under WAC 388-97-060; and

(b) The resident's care plan provides approaches to diminish or eliminate the use of the restraint, where possible.

(6) The nursing home shall ensure that any resident physically restricted is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

~~(7) THE RESIDENT HAS THE RIGHT TO BE FREE FROM VERBAL, SEXUAL, PHYSICAL AND MENTAL ABUSE, CORPORAL PUNISHMENT, AND INVOLUNTARY SECLUSION.~~

~~(8) THE NURSING HOME SHALL DEVELOP AND IMPLEMENT WRITTEN POLICIES AND PROCEDURES THAT PROHIBIT MISTREATMENT, NEGLECT AND ABUSE OF RESIDENTS AND MISAPPROPRIATION OF RESIDENT PROPERTY.~~

~~(9) THE NURSING HOME SHALL:~~

~~(a) NOT USE VERBAL, MENTAL, SEXUAL, OR PHYSICAL ABUSE, CORPORAL PUNISHMENT OR INVOLUNTARY SECLUSION;~~

~~(b) NOT EMPLOY PERSONS WHO HAVE BEEN:~~

~~(i) FOUND GUILTY OF ABUSING, NEGLECTING OR MISTREATING RESIDENTS, BY A COURT OF LAW; OR~~

~~(ii) HAVE HAD A FINDING ENTERED INTO THE STATE NURSE AIDE REGISTRY CONCERNING ABUSE, NEGLECT, MISTREATMENT OF RESIDENTS, AND MISAPPROPRIATION OF THEIR PROPERTY; AND~~

~~(c) REPORT ANY KNOWLEDGE IT HAS OF ACTIONS BY A COURT OF LAW AGAINST AN EMPLOYEE, WHICH WOULD INDICATE UNFITNESS FOR SERVICES AS A NURSE AIDE OR OTHER FACILITY STAFF TO THE STATE NURSE AID REGISTRY OR LICENSING AUTHORITIES.~~

~~(10) THE NURSING HOME SHALL ENSURE THAT ALL ALLEGED VIOLATIONS INVOLVING MISTREATMENT, NEGLECT OR ABUSE INCLUDING INJURIES OF UNKNOWN SOURCE, AND MISAPPROPRIATION OF RESIDENT PROPERTY ARE REPORTED IMMEDIATELY TO THE ADMINISTRATOR OF THE FACILITY AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW THROUGH ESTABLISHED PROCEDURES (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY):~~

~~(11) THE NURSING HOME SHALL:~~

~~(a) HAVE EVIDENCE THAT ALL ALLEGED VIOLATIONS ARE THOROUGHLY INVESTIGATED, AND~~

~~(b) PREVENT FURTHER POTENTIAL ABUSE WHILE THE INVESTIGATION IS IN PROGRESS.~~

~~(12) THE RESULTS OF ALL INVESTIGATIONS SHALL BE REPORTED TO THE ADMINISTRATOR OR HIS DESIGNATED REPRESENTATIVE AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY) WITHIN FIVE WORKING DAYS OF THE INCIDENT, AND IF THE ALLEGED VIOLATION IS VERIFIED APPROPRIATE CORRECTIVE ACTION MUST BE TAKEN.~~

~~(13) Nothing in this section precludes intermediate care facilities for the mentally retarded from using involuntary seclusion in accordance with the requirements of 42 C.F.R., Part 483, Subpart F)) The resident has the right to be free from any physical or chemical restraint imposed for purposes of:~~

~~(a) Discipline or convenience, and not required to treat the resident's medical symptoms; or~~

~~(b) Preventing or limiting independent mobility or activity.~~

(2) Chemical or physical restraints may be used in an emergency when it has been assessed as necessary to prevent a resident from inflicting injury to self or to others. "Emergency" means an unexpected, serious occurrence requiring immediate action. The nursing home must obtain a physician's order:

(a) Within twenty-four hours for physical restraints;

(b) Immediately for chemical restraints; and

(c) Including treatments to assist in resolving the emergency situation and eliminating the need for the restraint.

(3) The nursing home must develop and implement written policies and procedures governing:

(a) The emergency use of restraints;

(b) The use of chemical and physical restraints, required for the treatment of the resident's medical symptoms, not for discipline or convenience;

(c) The personnel authorized to administer restraints in an emergency; and

(d) Monitoring and controlling the use of restraints.

(4) In certain situations, chemical or physical restraints may be necessary for residents with acute or chronic mental or physical impairments. When chemical or physical restraints are used the nursing home must ensure that:

(a) The use of the restraint is related to a specific medical need or problem identified through a multi-disciplinary assessment;

(b) The informed consent process is followed as described under WAC 388-97-060; and

(c) The resident's plan of care provides approaches to reduce or eliminate the use of the restraint, where possible.

(5) The nursing home must ensure that any resident physically restrained is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

NEW SECTION

WAC 388-97-076 Prevention of abuse. (1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

PROPOSED

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) The nursing home must not employ individuals in positions that will provide them with the opportunity for unsupervised access with vulnerable residents, if the individuals have:

(a) Been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult, by a court of law or by a licensing authority;

(b) A finding of abuse, neglect, exploitation or abandonment on any state registry, including the nursing assistant registry; or

(c) Been found to have abused, neglected, or misappropriated resident property by the department's resident protection program.

(5) The nursing home must report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

(6) The nursing home must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the administrator of the facility and to other officials, including the department. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law, including chapter 74.34 RCW; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the department, and with law enforcement, if they suspect sexual or physical assault has occurred.

(7) The nursing home must:

(a) Have evidence that all alleged violations are thoroughly investigated;

(b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and

(c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

NEW SECTION

WAC 388-97-077 Resident protection program. (1)

As used in this section, the term "individual," means any individual, including a volunteer, used by the facility to provide services to residents.

(2) The department will review all allegations of resident abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, as defined in this chapter and RCW 74.34.020.

(3) If, after the review of an allegation, the department concludes that there is reason to believe that an individual has abused or neglected a resident, or has misappropriated a resident's property, then the department will initiate an investigation.

(4) The department's investigation may include, but is not limited to:

(a) The review of facility and state agency records;

(b) Interviews with any individuals who may have relevant information about the allegation; and

(c) The collection of any evidence deemed necessary by the investigator.

(5) If, after review of the results of the investigation, the department makes a preliminary determination that the resident abuse, neglect, or misappropriation of resident funds has occurred, the department will make a preliminary finding to that effect; except that a preliminary finding of neglect will not be made if the individual is able to demonstrate, that the neglect was caused by factors beyond the control of the individual.

(6) Within ten days of making its preliminary determination, the department must send notice of a preliminary finding:

(a) To the individual by first class and certified mail, return receipt requested. The department may choose to substitute personal service for certified mail;

(b) To the current administrator of the facility where the incident occurred; and

(c) To the appropriate licensing agency.

(7) The notice will include the following information:

(a) A description of the allegation;

(b) The date and time of the incident, if known;

(c) That the individual may appeal the preliminary finding; and

(d) That the preliminary finding will become final unless the individual makes a written request for a hearing within thirty days of the date of the notice.

(8) The individual may appeal the department's preliminary finding of abuse, neglect or misappropriation of resident property by notifying the office of administrative hearings in writing within thirty days of the date of the notice.

(9) If, within one hundred eighty days of the date of the notice of the preliminary finding, an individual requests a hearing and can demonstrate good cause for failing to request a hearing within thirty days, the office of administrative hearing may grant the request. The individual's name will remain on the nursing assistant registry pending the outcome of the hearing.

(10) Upon receipt of a written request for a hearing from an individual, the office of administrative hearings will

schedule a hearing, taking into account the following requirements:

(a) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request;

(b) The hearing will be conducted at a reasonable time and at a place that is convenient for the individual;

(c) The hearing, and any subsequent appeals, shall be governed by this chapter, chapter 34.05 RCW, and chapter 388-08 WAC, or its successor regulations;

(d) A continuance may be granted upon the request of any party for good cause, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal. Neither the department nor the individual can waive the one hundred twenty-day requirement. If, however, the administrative law judge finds that extenuating circumstances exist that will make it impossible to complete the record within one hundred twenty days, the administrative law judge may extend the one hundred twenty-day requirement a maximum of sixty days; and

(e) If the administrative law judge upholds the department's preliminary finding, it becomes final.

(11) The department will report a final finding of abuse, neglect and misappropriation of resident property within ten working days to the following:

(a) The individual;

(b) The current administrator of the facility in which the incident occurred;

(c) The administrator of the facility that currently employs the individual;

(d) The department's nursing assistant registry; and

(e) The appropriate licensing authority.

(13) The individual against whom a finding is made is entitled to submit a statement disputing the allegations. Information about the finding, including the individual's statement, must be made available to all requesters.

(14) The findings will remain on the department's nursing assistant registry permanently unless:

(a) The finding is set aside by further administrative or judicial review as provided for in chapter 34.05 RCW;

(b) The department determines that the finding was made in error;

(c) The department removed a single finding of neglect from the nursing assistant registry based upon a petition by the individual as provided in 42 U.S.C. 1396r (g)(1)(C); or

(d) The department is notified of the individual's death.

(15) Information obtained during the investigation into allegations of abuse, neglect and misappropriation of property, and any documents generated by the department will be maintained and disseminated with regard for the privacy of the resident and any reporting individuals and in accordance with laws and regulations regarding confidentiality and privacy.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-97-08010 Resident dignity and accommodation of needs. (1) Dignity. The nursing home must ensure that:

(a) Resident care is provided in a manner to enhance each resident's dignity, and to respect and recognize his or her individuality; and

(b) Each resident's personal care needs are provided in a private area free from exposure to individuals not involved in providing the care.

(2) Accommodation of needs. Each resident has the right to reasonable accommodation of personal needs and preferences, except when the health or safety of the individual or other residents would be endangered.

NEW SECTION

WAC 388-97-08020 Environment. The nursing home must provide and maintain:

(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Comfortable and safe temperature levels:

(a) Facilities licensed after October 1, 1990 must maintain a temperature range of seventy-one to eighty-one degrees Fahrenheit; and

(b) Regardless of external weather conditions, all nursing homes must develop and implement procedures and processes to maintain a temperature level that is comfortable and safe for residents;

(4) Comfortable sound levels, to include:

(a) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(b) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time; and

(5) Lighting suitable for any task the resident chooses to do, and any task the staff must do.

NEW SECTION

WAC 388-97-08030 Self-determination and participation. The resident has the right to:

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care;

(2) Interact with members of the community both inside and outside the nursing home;

(3) Make choices about aspects of his or her life in the facility that are significant to the resident; and

(4) Participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

NEW SECTION

WAC 388-97-08040 Participation in resident and family groups. (1) A resident has the right to organize and participate in resident groups in the nursing home.

(2) The nursing home must provide a resident or family group, if one exists, with private space.

(3) Staff or visitors may attend meetings only at the group's invitation.

(4) The nursing home must provide a designated staff individual responsible for providing assistance and responding to written requests that result from group meetings.

(5) When a resident or family group exists, the nursing home must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the nursing home.

(6) A resident's family has the right to meet in the nursing home with the families of other residents in the facility.

NEW SECTION

WAC 388-97-08050 Activities. The nursing home must:

(1) Provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well-being of each resident;

(2) Provide activities meaningful to the residents at various times throughout every day and evening based on each resident's need and preference; and

(3) Ensure that the activities program is directed by a qualified professional who:

(a) Is a qualified therapeutic recreation specialist or an activities professional who is eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or

(b) Has two years of experience in a social or recreational program within the last five years, one of which was full-time in a patient activities program in a health care setting; or

(c) Is a qualified occupational therapist or occupational therapy assistant.

NEW SECTION

WAC 388-97-08060 Social services. The nursing home must:

(1) Provide medically-related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident; and

(2) Employ a qualified social worker on a full-time basis if the nursing home has more than one hundred twenty beds. A qualified social worker is an individual with:

(a) A bachelor's degree in social work or a bachelor's degree in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology; and

(b) One year of supervised social work experience in a health care setting working directly with patients or residents.

NEW SECTION

WAC 388-97-08070 Pets. (1) Each resident must have a reasonable opportunity to have regular contact with animals, if desired.

(2) The nursing home must:

(a) Consider the recommendations of nursing home residents, resident councils, and staff;

(b) Determine how to provide residents access to animals;

(c) Determine the type and number of animals available in the facility, which the facility can safely manage. Such animals should include only those customarily considered domestic pets.

(d) Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and

(e) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.

(3) Animals living on the nursing home premises must:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(b) Be veterinarian certified to be free of diseases transmittable to humans.

(4) Pets must be restricted from:

(a) Central food preparation areas; and

(b) Residents who object to the presence of pets.

RESIDENT ASSESSMENT AND PLAN((S)) OF CARE

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-085 Resident assessment. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.20 will be deemed to meet this section.~~

~~((2))~~ The nursing home ~~((shall))~~ must:

~~((a))~~ Provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident ~~((actively))~~ participates, to the fullest extent possible.

~~((3))~~ ~~The nursing home shall:~~

~~((a))~~ ~~((b))~~ Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity~~((-~~

~~((b))~~);

~~((c))~~ At the time each resident is admitted~~((,- have physician orders for the resident's immediate care; and~~

~~((e))~~);

(i) Have physician's orders for the resident's immediate care; and

(ii) Ensure that the resident's immediate care needs are identified in an admission assessment; and

(d) Ensure that the comprehensive assessment of a resident's needs describes the resident's capability to perform daily life functions and significant impairments in functional capacity.

~~((4))~~ (2) The comprehensive assessment ~~((shall))~~ must include at least the following information:

(a) ~~((Medically defined conditions and prior medical history;~~

- ~~(b) Medical status measurement;~~
- ~~(c) Physical and mental functional status;~~
- ~~(d) Sensory and physical impairments;~~
- ~~(e) Nutritional status and requirements;~~
- ~~(f) Special treatments or procedures;~~
- ~~(g) Mental and psychosocial status;~~
- ~~(h) Discharge potential;~~
- ~~(i) Dental condition;~~
- ~~(j) Activities potential;~~
- ~~(k) Rehabilitation potential;~~
- ~~(l) Cognitive status; and~~
- ~~(m) Drug therapy.~~

~~(5))~~ Identification and demographic information:

(b) Customary routine;

(c) Cognitive patterns;

(d) Communication;

(e) Vision;

(f) Mood and behavior patterns;

(g) Psychosocial well-being;

(h) Physical functioning and structural problems;

(i) Continence;

(j) Disease diagnosis and health conditions;

(k) Dental and nutritional status;

(l) Skin conditions;

(m) Activity pursuit;

(n) Medications;

(o) Special treatments and procedures;

(p) Discharge potential;

(q) Documentation of summary information regarding the assessment performed; and

(r) Documentation of participation in assessment.

(3) The nursing home ~~((shall))~~ must conduct comprehensive assessments:

(a) No later than fourteen days after the date of admission;

(b) Promptly after a significant change in the resident's physical or mental condition; and

(c) In no case less often than once every twelve months.

~~((6))~~ (4) The nursing home ~~((shall))~~ must ensure that:

(a) Each resident is ~~((examined))~~ assessed no less than once every three months ~~((, and as appropriate, the resident's assessment is revised to assure the continued accuracy of the assessment)); and~~

(b) The results of the assessment are used to develop, review and revise the resident's comprehensive plan of care under WAC ~~((388-97-150))~~ 388-97-090 ~~((, comprehensive planning)).~~

(5) The skilled nursing facility and nursing facility must:

(a) For the required assessment, complete the state approved resident assessment instrument (RAI) for each resident in accordance with federal requirements;

(b) Place copies of the completed state approved RAI in each resident's clinical record, unless all charting is computerized;

(c) Maintain all copies of resident assessments completed within the resident's active clinical record for fifteen months;

(d) Assess each resident not less than every three months, using the state approved assessment instrument; and

(e) Transmit all state and federally required RAI information for each resident to the department;

(i) In a manner approved by the department;

(ii) Within ten days of completion of any RAI required under this subsection; and

(iii) Within ten days of discharging or readmitting a resident.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-090 Comprehensive plan of care ~~((planning)).~~ (1) ~~((Medicaid-certified nursing facilities in compliance with federal regulations at 42 C.F.R. §483.20 will be deemed to meet subsections (2) and (3) of this section.~~

~~(2))~~ The nursing home ~~((shall))~~ must develop a comprehensive ~~((care))~~ plan of care for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing and mental and psychosocial needs that are identified in the comprehensive assessment.

~~((3))~~ (2) The comprehensive plan or care ~~((plan shall))~~ must:

(a) Describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under WAC 388-97-110 ~~((, Quality of care));~~

(b) Describe any services that would otherwise be required, but are not provided due to the resident's exercise of rights, including the right to refuse treatment (refer to WAC ~~((388-97-070, resident rights, and WAC))~~ 388-97-07005 and 388-97-060 ~~((, Informed consent));~~

(c) Be developed within seven days after completion of the comprehensive assessment;

(d) Be prepared by an interdisciplinary team that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the residents needs; ~~((and))~~

(e) Consist of an ongoing process which includes a meeting if desired by the resident or the resident's representative; and

(f) Include the ongoing participation of the resident to the fullest extent possible, the resident's family or the resident's ~~((legal representative))~~ surrogate decision maker.

(3) The nursing home must implement a plan of care to meet the immediate needs of newly admitted residents, prior to the completion of the comprehensive assessment and plan of care.

(4) The nursing home ~~((shall))~~ must:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-060 ~~((, Informed consent)),~~ regarding the interdisciplinary team's plan of care ~~((plan))~~ recommendations;

PROPOSED

(b) Respect the resident's right to decide plan of care (~~(plan)~~) goals and treatment choices, including acceptance or refusal of plan of care (~~(plan)~~) recommendations;

(c) Include in the interdisciplinary plan of care (~~(plan-ning)~~) process:

(i) Staff members requested by the resident; and

(ii) Direct care staff who work most closely with the resident;

(d) Respect the resident's wishes regarding which (~~(per-sons)~~) individuals, if any, the resident wants to take part in resident plan of care (~~(planning)~~) functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident (~~(, the resident's surrogate decision maker,)~~) family members or other (~~(persons)~~) individuals the resident wishes to have attend, when scheduling plan of care (~~(planning)~~) meeting times; and

(f) Where for practical reasons any (~~(persons)~~) individu-als significant to the plan of care (~~(planning)~~) process, includ- ing the resident, are unable to attend plan of care (~~(planning)~~) meetings, provide a method for such (~~(persons)~~) individuals to give timely input and recommendations.

(5) The nursing home (~~(shall)~~) must ensure that (~~(resi- dent care plans include)~~) each comprehensive plan of care:

(a) (~~(Designation of persons)~~) Designates the discipline of the individuals responsible for carrying out the program; and

(b) (~~(Review of the comprehensive care plan)~~) Is reviewed at least quarterly by qualified staff, as part of the ongoing process of monitoring the resident's needs and preferences.

NEW SECTION

WAC 388-97-097 Dementia care. (1) A nursing home must ensure that it provides residents with dementia with an environment designed to attain or maintain the highest level of functioning and well-being possible, taking into consideration the resident's medical condition and functional status. Therefore, the nursing home must:

(a) Have a program designed to meet the identified needs of the residents;

(b) Develop and implement program policies and procedures.

(c) Train all staff, who have resident contact, in the special needs and care approaches applicable to residents with dementia. This training must be ongoing and consistent with requirements under WAC 388-97-170 (2)(b).

(2) A nursing home that has a locked or secured dementia unit must:

(a) Always have staff present in the unit, available to meet the needs of the residents and to protect them in the event of an emergency;

(b) Have staff available to assist residents, as needed, in accessing outdoor areas;

(c) Have admission, transfer, and discharge criteria which ensures that:

(i) The process of informed consent is followed before admission to or transfer/discharge from the unit;

(ii) The resident is provided with unit specific admission or transfer/discharge criteria, prior to admission to the unit;

(iii) The resident's need for admission to the unit from another part of the nursing home, or transfer/discharge from the unit, is based on the comprehensive assessment and plan of care;

(iv) Through an evaluation prior to admission, a resident admitted directly from outside the nursing home meets the cognitive and functional criteria of the unit;

(v) In the case of an individual admitted directly to the unit from outside the nursing home, as specified in subsection (2)(b)(iv) above, the nursing home may complete the comprehensive assessment after the individual's admission to the unit, provided that the nursing home complies with required time frames for completion of the resident assessment under WAC 388-97-085.

(d) Provide private pay residents, or their surrogate decision maker written notification:

(i) If admitted from outside the nursing home, of additional charges, if any, for services, items, and activities in the unit, prior to admission; and

(ii) If admitted from another part of the nursing home, thirty days in advance of changes to those charges.

(e) Comply with physical plant requirements in WAC 388-97-350 through 388-97-35060, for existing facilities and for new construction.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-110 Quality of care. (1) (~~(Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.25 will be deemed to meet subsections (2) through (4) of this section, except for (4)(m) and (4)(n):~~)

(~~(2)~~) Each resident shall receive and the nursing home shall) Consistent with resident rights, the nursing home must provide each resident with the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being, self-care and independence in accordance with his or her comprehensive assessment and plan of care.

(~~(3)~~) (2) Based on the comprehensive assessment of a resident, the nursing home (~~(shall)~~) must ensure that:

(a) A resident's abilities in activities of daily living do not (~~(diminish)~~) decline unless circumstances of the resident's clinical condition demonstrate that (~~(diminution)~~) the decline was unavoidable. This includes the resident's ability to:

(i) Bathe, dress, and groom;

(ii) Transfer and ambulate;

(iii) Toilet;

(iv) Eat; and

(v) Use speech, language, or other functional communication systems.

(~~(vi) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene:)~~)

(b) A resident is given the appropriate treatment and services to maintain or improve the resident's abilities in activities of daily living specified in subsection (~~(3)~~)(2)(a) of this section; and

PROPOSED

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

~~((4))~~ (3) The nursing home ~~((shall))~~ must ensure that the appropriate care and services are provided to the resident in the following areas, as applicable in accordance with the resident's individualized assessments and plan of care ~~((plan))~~:

- (a) Vision and hearing;
- (b) Skin;
- (c) Continence;
- (d) Range of motion;
- (e) Mental and psychosocial functioning and adjustment;
- (f) Nasogastric and gastrostomy tubes;
- ~~((h))~~ (g) Accident prevention;
- ~~((i))~~ (h) Nutrition;
- ~~((j))~~ (i) Hydration;
- ~~((k))~~ (j) Special needs, including:
 - (i) Injections;
 - (ii) Parenteral and enteral fluids;
 - (iii) Colostomy, ureterostomy, or ileostomy care;
 - (iv) Tracheostomy care;
 - (v) Tracheal suction;
 - (vi) Respiratory care;
 - (vii) Dental care;
 - ~~((viii))~~ (ix) Foot care; and
 - ~~((ix))~~ (x) Prostheses.
- ~~((l))~~ (k) Medications, including freedom from:
 - (i) Unnecessary drugs;
 - (ii) Nursing home error rate of five percent or greater;
 - (iii) Significant medication errors.
- ~~((m))~~ (l) Self-administration of medication; and
- ~~((n))~~ (m) Independent living skills.

~~((5))~~ (4) The nursing home ~~((shall))~~ must ensure that each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-115 Nursing services. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.30 will be deemed to meet subsections (2) and (3) of this section.~~

(2)) The nursing home ~~((shall))~~ must ensure that a sufficient number of qualified nursing personnel are available on a twenty-four hour basis seven days per week to provide nursing and related services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care.

~~((3))~~ (2) The nursing home ~~((shall))~~ must:

- (a) Designate a registered nurse or licensed practical nurse to serve as charge nurse, who is accountable for nursing services on each tour of duty; and
- (b) Have a full time director of nursing service who ~~((shall be))~~ is a registered nurse.

~~((4))~~ (3) The nursing home ~~((shall))~~ must have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week~~((:~~

~~((c))~~ ~~In intermediate care facilities for the mentally retarded (ICF/MR), there shall be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shifts if indicated. Subsections (3)(a) and (4)(a) and (b) of this section do not apply to intermediate care facilities for the mentally retarded.~~

~~((5))~~ "Directly supervising" means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.

(4) The nursing home ~~((shall))~~ must ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

~~((6))~~ (5) The director of nursing services ~~((shall be))~~ is responsible for:

- (a) Coordinating the plan of care for each resident;
- (b) Ensuring that registered nurses and licensed practical nurses comply with chapter ~~((18.88 RCW, and licensed practical nurses comply with chapter 18.78))~~ 18.79 RCW; and
- (c) Ensuring that the nursing care provided is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-120 Dietary services. The nursing home must:

(1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.35 will be deemed to meet subsections (2), (3), (8), (9), (10), (12)(a) and (13) of this section.~~

~~((2))~~ ~~THE NURSING HOME SHALL PROVIDE EACH RESIDENT WITH A NOURISHING, PALATABLE, WELL-BALANCED DIET THAT MEETS THE DAILY NUTRITIONAL AND SPECIAL DIETARY NEEDS OF EACH RESIDENT. THE FOOD SHALL BE SERVED IN SUCH A MANNER TO BE ATTRACTIVE AND AT TEMPERATURES SAFE AND ACCEPTABLE TO THE RESIDENT.~~

~~((3))~~ ~~THE NURSING HOME SHALL PROVIDE A MINIMUM OF THREE MEALS IN EACH TWENTY FOUR HOUR PERIOD, AT REGULAR TIMES COMPARABLE TO NORMAL MEAL TIMES IN THE COMMUNITY.~~

~~((4))~~ ~~The nursing home shall make available to residents on a daily basis fresh fruits and vegetables in season.~~

~~((5))~~ ~~The nursing home shall make reasonable efforts to:~~

- ~~((a))~~ ~~Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;~~
- ~~((b))~~ ~~Offer breakfast served later or an alternative to the regular breakfast for late risers; and~~

~~((c))~~ ~~Provide food consistent with the cultural and religious needs of the residents.~~

~~((6))~~ ~~The nursing home shall make reasonable efforts to:~~

- ~~((a))~~ ~~Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;~~
- ~~((b))~~ ~~Offer breakfast served later or an alternative to the regular breakfast for late risers; and~~
- ~~((c))~~ ~~Provide food consistent with the cultural and religious needs of the residents.~~

~~(6) The nursing home shall obtain input from residents and/or resident councils in meal planning, scheduling, and the menu selection process.~~

~~(7) The nursing home shall:~~

~~(a) Encourage residents to continue eating independently;~~

~~(b) Provide effective adaptive utensils as needed to promote independence;~~

~~(c) Allow sufficient time for eating in a relaxed manner;~~

~~(d) Provide individualized assistance as needed; and~~

~~(e) Provide table service, in a dining area/room, located outside of the resident's room, to all residents capable of eating at a table.~~

~~(8) THE NURSING HOME SHALL HAVE SUFFICIENT SUPPORT PERSONNEL COMPETENT TO CARRY OUT THE FUNCTIONS OF DIETARY SERVICE.~~

~~(9) THE FACILITY SHALL EMPLOY A REGISTERED AND CERTIFIED OR LICENSED DIETITIAN EITHER FULL-TIME, PART-TIME OR ON A CONSULTANT BASIS.~~

~~(10) IF A QUALIFIED DIETITIAN IS NOT EMPLOYED FULL-TIME, THE FACILITY SHALL EMPLOY A FOOD SERVICE MANAGER TO SERVE AS THE DIRECTOR OF FOOD SERVICE.~~

~~(11) The food service manager means a person who:~~

~~(a) Has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; or~~

~~(b) Has completed a state approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution; and~~

~~(c) Receives regularly scheduled consultation from a qualified dietitian. Consultation services include:~~

~~(i) Nutrition assessment;~~

~~(ii) Liaison with medical and nursing staff and administrator;~~

~~(iii) Inservice training;~~

~~(iv) Guidance to the director of food service and food service staff; and~~

~~(v) Approval of regular and therapeutic menus.~~

~~(12) THE DIETITIAN SHALL:~~

~~(a) APPROVE MENUS WHICH MEET THE DIETARY ALLOWANCES OF THE FOOD AND NUTRITION BOARD OF THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES; AND~~

~~(b) Prepare dated menus for general and modified diets at least three weeks in advance; and~~

~~(c) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.~~

~~(13) WHEN A RESIDENT REFUSES FOOD SERVED, THE FACILITY SHALL OFFER A SUBSTITUTE OF A SIMILAR NUTRITIVE VALUE.~~

~~(14) The nursing home shall:~~

~~(a) Ensure menus are followed;~~

~~(b) Post the current dated general menu, including substitutions, in the food service area and in a place accessible and conspicuous to residents and visitors; and~~

~~(c) Note any variations, to the regular menu on the menu.~~

~~(15) The nursing home shall:~~

~~(a) Ensure residents' diets are provided as prescribed by the physician. Diet modifications for texture only may be used as an interim measure when ordered by a registered nurse; and~~

~~(b) Provide supplementary fluids and nourishments in accordance with the resident's individual needs as determined by the assessment process.~~

~~(16) The nursing home shall review a resident's modified diet to ensure the food form and texture are consistent with the resident's current needs and functional level:~~

~~(a) At the request of the resident;~~

~~(b) When the resident's condition warrants; and~~

~~(c) At the time of the care plan review.~~

~~(17) The nursing home shall ensure:~~

~~(a) A resident's tube feedings are of uniform consistency and quality; and~~

~~(b) Tube feedings are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.~~

~~(18) The nursing home shall ensure food service is in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food services sanitation)) Provide each resident with a nourishing, palatable, well-balanced diet that meets their daily nutritional and special dietary needs.~~

~~(2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.~~

~~(3) Ensure that food service is in compliance with chapter 246-215 WAC.~~

~~(4) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.~~

NEW SECTION

WAC 388-97-12010 Meal Provision. The nursing home must:

(1) Provide a minimum of three meals in each twenty-four period, at regular times similar to normal meal times in the community;

(2) Make fresh fruits and vegetables, in season, available to residents on a daily basis;

(3) Make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer a late breakfast or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(4) Use input from residents and the resident council, if the nursing home has one, in meal planning, scheduling, and the meal selection process.

NEW SECTION

WAC 388-97-12020 Individual dietary needs. The nursing home must:

- (1) Encourage residents to continue eating independently;
- (2) Provide effective adaptive utensils as needed to promote independence;
- (3) Allow sufficient time for eating in a relaxed manner;
- (4) Provide individualized assistance as needed;
- (5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room; and
- (6) Offer a substitute of similar nutritive value when a resident refuses food served.

NEW SECTION

WAC 388-97-12030 Dietary personnel. The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

- (1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:
 - (a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;
 - (b) Prepare dated menus for general and modified diets at least three weeks in advance;
 - (c) Provide services which include:
 - (i) Nutrition assessment;
 - (ii) Liaison with medical and nursing staff, and administrator;
 - (iii) Inservice training; and
 - (iv) Guidance to the director of food service, and food service staff.
- (2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.
- (3) The food service manager means:
 - (a) An individual who is a qualified dietitian; or
 - (b) An individual:
 - (i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and
 - (ii) Receives regularly scheduled consultation from a qualified dietitian.

NEW SECTION

WAC 388-97-12040 Dietary menus. The nursing home must:

- (1) Ensure that menus are followed;
- (2) Post the current dated general menu, including substitutes, in the food service area and in a place accessible and conspicuous to residents and visitors, in print the residents can read; and
- (3) Note any changes to the regular menu on the menu.

NEW SECTION

WAC 388-97-12050 Diet orders. The nursing home must:

- (1) Ensure that residents' diets are provided as prescribed by the physician. Diet modifications, for texture only, may be used as an interim measure when ordered by a registered nurse; and
- (2) Provide supplementary fluid and nourishment in accordance with each resident's needs as determined by the assessment process.

NEW SECTION

WAC 388-97-12060 Modified diets. The nursing home must review a resident's modified diet to ensure that the food form and texture are consistent with the resident's current needs and functional level:

- (1) At the request of the resident.
- (2) When the resident's condition warrants.
- (3) At the time of the plan of care review.

NEW SECTION

WAC 388-97-12070 Tube feedings. If the nursing prepares tube feeding formula, or mixes additives to the prepared formula it must ensure that:

- (1) Each resident's tube feedings are of uniform consistency and quality; and
- (2) Tube feeding formulas are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-125 Physician services. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.40 will be deemed to meet subsections (2) through (9) of this section.~~

~~(2))~~ Except as specified in RCW 74.42.200, a physician ~~((shall))~~ must personally approve in writing a recommendation that ~~((a person))~~ an individual be admitted to a nursing home.

~~((3))~~ (2) The nursing home ~~((shall))~~ must ensure that:

- (a) Except as specified in RCW 74.42.200, the medical care of each resident is supervised by a physician; ~~((and))~~
- (b) Another physician supervises the medical care of residents when their attending physician is unavailable~~((-~~

~~(4) The nursing home shall provide, or arrange for the provision, of physician services)); and~~

(c) Physician services are provided twenty-four hours per day, in case of emergency.

~~((5))~~ (3) The physician ~~((shall))~~ must:

- (a) Review the resident's total program of care, including medications and treatments, at each federally required visit;
- (b) Write, sign and date progress notes at each visit; and
- (c) Sign and date all orders.

~~((6))~~ (4) Except as specified in subsections ~~((7) and (8))~~ (5) and (6) of this section, a physician may delegate tasks to a physician's assistant or advanced registered nurse practitioner who is:

- (a) Licensed by the state;

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(b) Acting within the scope of practice as defined by state law; and

(c) Under the supervision of the physician.

~~((7))~~ (5) The physician may not delegate a task when the delegation is prohibited under state law or by the facility's own policies.

~~((8))~~ (6) In the Medicare-certified portion of the facility, the physician may:

(a) Alternate federally required physician visits between personal visits by:

(i) The physician; and

(ii) An advanced registered nurse practitioner or physician's assistant; and

(b) Not delegate responsibility for the initial required physician visit.

~~((9))~~ (7) In Medicaid-certified nursing facilities the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

~~((10))~~ (8) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant ~~((shall))~~ must:

(a) Participate in the interdisciplinary plan of care ~~((planning))~~ process as described in WAC 388-97-090;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so that the resident can make an informed consent to care or refusal of care (see WAC 388-97-060~~((,-Informed consent))~~); and

(c) Order resident self-medication when appropriate.

~~((11))~~ (9) The nursing home ~~((shall have))~~ must obtain from the physician the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting a review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-130 Specialized habilitative and rehabilitative services. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.45 will be deemed to meet subsection (2) of this section.~~

~~((2))~~ If specialized habilitative and rehabilitative services such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility ~~((shall))~~ must:

(a) Provide the required services; or

(b) Obtain the required services from an outside provider of specialized rehabilitative services.

~~((3))~~ (2) As determined by the resident's individualized comprehensive plan of care ~~((plan))~~, qualified therapists, as defined in ~~((WAC 388-96-010, shall))~~ RCW 74.46.020(40), will provide specialized habilitative or rehabilitative services under the written order of the physician. According to state law and at the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

~~((4))~~ (3) The nursing facility must:

(a) Ensure that residents who display mental or psychosocial adjustment difficulties receive appropriate treatment and services to correct the assessed problem; and

(b) Provide or arrange for the mental health or mental retardation services needed by residents that are of a lesser intensity than the specialized services defined at WAC 388-97-251.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises, only if the nursing home continues to also meet the needs of current residents.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-135 Pharmacy services. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.60 will be deemed to meet subsections (2) and (3) of this section.~~

~~((2))~~ The nursing home ~~((shall))~~ must:

(a) Obtain routine and emergency drugs and biologicals for its residents under an agreement with a licensed pharmacy;

(b) Ensure that pharmaceutical services:

(i) Meet the needs of each resident;

(ii) Establish and monitor systems for the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals; and

(c) Employ or obtain the services of a licensed pharmacist who ~~((shall))~~ must:

(i) Provide consultation on all aspects of the provision of pharmacy services in the nursing home;

(ii) Determine that nursing home drug records are in order;

(iii) Perform regular reviews at least once each month of each resident's drug therapy; and

(iv) Document and report drug irregularities to the attending physician and the director of nursing.

~~((3))~~ (2) Drugs and biologicals used in the nursing home ~~((shall))~~ must be labeled and stored in accordance with applicable state and federal laws.

~~((4))~~ (3) The nursing home ~~((shall))~~ must provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC~~((,-Pharmaceutical services extended care facility))~~, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

~~((5))~~ (4) The nursing home ~~((shall))~~ must ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents ~~((by staff))~~ to determine desired effect and undesirable side effects of drug regimens; and

(iii) Use of psychotropic drugs.

(b) Reference materials regarding medication administration, adverse reactions, toxicology, and poison center information are readily available:

(c) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

~~((e))~~ (d) Accurate detection, documentation, (reporting and resolution of drug errors and adverse drug reactions;

~~((d))~~ and

(e) Only ~~((persons))~~ individuals authorized by state law to do so ~~((shall))~~ will receive drug orders and administer drugs;

~~((6))~~ (5) The resident ~~((shall have))~~ has the right to a choice of pharmacies when purchasing prescription and non-prescription drugs as long as the following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-140 Infection control. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.65 will be deemed to meet the requirements of subsections (2), (3), and (4).))~~

~~((2))~~ (2) The nursing home ~~((shall))~~ must:

(a) Establish and maintain an effective infection control program designed to provide a safe, sanitary, and comfortable environment and to help prevent the development and transmission of disease and infection;

(b) Prohibit any employee with a communicable disease or infected skin lesion from direct contact with residents or their food, if direct contact could transmit the disease; and

(c) Require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.

~~((3))~~ (2) Under the infection control program, the nursing home ~~((shall))~~ must:

(a) Investigate, control and prevent infections in the facility;

(b) Decide what procedures should be applied in individual circumstances; and

(c) Maintain a record of incidence of infection and corrective action taken.

~~((4))~~ (3) Nursing home personnel must handle, store, process, and transport linens so as to prevent the spread of infection.

~~((5))~~ The nursing home shall report any case or suspected case of a reportable disease to the appropriate department of health officer.

~~((6))~~ (4) The nursing home ~~((shall))~~ must develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

~~((7))~~ (5) The nursing home ~~((shall))~~ must provide areas, equipment, and supplies to implement an effective infection control program ~~((The nursing home shall))~~ and ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

NEW SECTION

WAC 388-97-147 Surveillance, management and early identification of individuals with active tuberculosis. (1) The nursing home must develop and implement policies and procedures that comply with nationally recognized tuberculosis standards set by the Centers for Disease Control (CDC), and applicable state law. Such policies and procedures include, but are not limited to, the following;

(a) Evaluation of any resident or employee with symptoms suggestive of tuberculosis whether tuberculin skin test results were positive or negative;

(b) Identifying and following up residents and personnel with suspected or actual tuberculosis, in a timely manner; and

(c) Identifying and following up visitors and volunteers with symptoms suggestive of tuberculosis.

(2) The nursing home must comply with chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements to protect the health and safety of employees.

(3) The nursing home must ensure that tuberculosis screening is carried out as follows:

(a) Skin testing, whether documented historically or performed currently, must be by intradermal (Mantoux) administration of purified protein derivative (PPD) and read in forty-eight to seventy-two hours of administration, by trained personnel, and with results recorded in millimeters of induration;

(b) The nursing home must conduct tuberculin skin testing of residents and personnel, within three days of admission or hire, to establish tuberculosis status.

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(c) The skin test must consist of a baseline two step test, given no more than one to three weeks apart, unless the individual meets the requirements in (d) or (e) of this subsection.

(d) An individual does not need to be skin tested for tuberculosis if he/she has:

(i) A documented history of a previous positive skin test results;

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(e) An individual needs to have only a one-step skin test upon admission or employment if:

(i) There was documented history of a negative result from previous two step testing; or

(ii) There was a documented negative result from one step skin testing in the previous twelve months.

(f) Annual one step skin testing for personnel, thereafter.

(4) If the skin test results in a positive reaction the nursing home must:

(a) Ensure that the individual has a chest X-ray within seven days; and

(b) Evaluate each resident or employee, with a positive test result, for signs and symptoms of tuberculosis.

(5) Where tuberculosis is suspected, by presenting symptoms, or diagnosed, for a resident or an employee, the nursing home must:

(a) Notify the local public health officer so that appropriate contact investigation can be performed;

(b) Institute appropriate measures for the control of the transmission of droplet nuclei;

(c) Apply living or work restrictions where residents or personnel are, or may be, infectious and pose a risk to other residents and personnel; and

(d) Ensure that personnel caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in WAC 296-62-071.

(6) The nursing home must:

(a) Retain records of the tuberculin test results, reports of X-ray findings, physician or public health official orders, and declination in the nursing home; and

(b) Retain employee tuberculin testing results for the duration of employment; and

(c) Provide the employee a copy of his/her testing results.

(7) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(8) A resident or employee who has reason to decline skin testing may submit a signed statement to the nursing home giving the reason for declining and evidence to support the reason.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-155 Care of residents with active tuberculosis. (1) ~~((Where))~~ When the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home ~~((shall))~~ must:

(a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee; ~~((and))~~

(b) Provide necessary education about tuberculosis for staff, visitors, and residents; and

(c) Ensure that personnel caring for a resident with active tuberculosis comply with the WISHA standards for respiratory protection, WAC 246-62-071.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home ~~((shall))~~ must:

(a) Provide a private or semiprivate isolation room:

(i) In accordance with WAC ~~((388-97-330(2), Resident rooms))~~ 388-97-330(4);

(ii) In which, construction review of the department of health determines that room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters(±), or other measures deemed appropriate to protect others in the facility;

(iii) However, when a semiprivate isolation room is used, only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

(b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;

(c) Provide appropriate protective equipment for staff and visitors; and

(d) Have measures in place for the decontamination of equipment and other items used by the resident.

~~((3) When a semiprivate isolation room is utilized, the nursing home shall ensure that only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.))~~

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-160 General administration. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75 will be deemed to meet subsections (2) through (6) of this section.~~

~~((2)))~~ (2) The nursing home ~~((shall))~~ must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well being of each resident.

~~((3)))~~ (2) The nursing home must:

(a) Be licensed under chapter 18.51 RCW;

(b) Operate and provide services in compliance with:

(i) All applicable federal, state and local laws, regulations, and codes;

(ii) Accepted professional standards and principles that apply to professionals providing services in nursing homes; and

(c) Have a governing body or designated ~~((persons))~~ individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

~~((4)))~~ (3) The governing body of the nursing home ~~((shall))~~ must appoint the administrator who ~~((is))~~:

- (a) Is licensed by the state; ~~((and))~~
 (b) Is responsible for management of the facility;
 (c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations put into effect under the chapter;

(e) Is an onsite, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: Onsite, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds; and

(f) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as administrator designee. The designee must be qualified by experience to assume designated duties and the nursing home must have a written agreement with a Washington State licensed nursing home administrator who must be available to consult with the designee.

~~((5))~~ (4) The nursing home ~~((shall))~~ must employ on a full time, part time or consultant basis those professionals necessary to carry out the requirements of this chapter.

~~((6))~~ (5) If the nursing home does not employ a qualified professional ~~((person))~~ individual to furnish a specific service to be provided by the nursing home, the nursing home ~~((shall))~~ must:

(a) Have that service furnished to residents by ~~((a person))~~ an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in subsection ~~((6))~~ (5)(a) of this section specifies in writing that the nursing home assumes responsibility for:

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in nursing homes; and

(ii) The timeliness of services.

~~((7))~~ The nursing home administrator shall comply with all requirements of chapter 18.52 RCW and all regulations promulgated thereunder.

~~((8))~~ (6) The nursing home ~~((shall report to the local law enforcement agency any person threatening bodily harm or causing a disturbance of such magnitude as to threaten any person's welfare and safety))~~ must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW. "Whistle blower" means a resident or employee of a nursing home, or any individual licensed under

Title 18 RCW, who in good faith reports alleged abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property to the department.

(7) The department will:

(a) Discourage "whistle blower" complaints made in bad faith;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances; and

(c) Investigate complaints, made to the department's toll free number, according to established protocols.

NEW SECTION

WAC 388-97-162 Required notification and reporting. (1) The nursing home and mandatory reporters under chapter 74.34 RCW are responsible for the reporting and notification requirements found in this section and elsewhere in this chapter.

(2) The nursing home must immediately notify the department's aging and adult services administration (AASA) of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-185 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(2) The nursing home must notify the department's AASA of:

(a) Physical plant changes, including but not limited to:

(i) New construction;

(ii) Proposed resident area or room use change;

(iii) Resident room number changes; and

(iv) Proposed bed banking;

(b) Mechanical failure of equipment important to the everyday functioning of the facility, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(3) The nursing home must notify, in writing, the department's AASA and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(4) The nursing home licensee must notify the department in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(5) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

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(6) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-165 Staff and equipment. (1) The nursing home ~~((shall))~~ **must** ensure that:

(a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;

(b) Adequate equipment, supplies and space are available to carry out all functions and responsibilities of the nursing home; ~~((and))~~

(c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home ~~((shall))~~ **must** ensure that any employee giving direct resident care, excluding professionally licensed nursing staff:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to ~~((persons))~~ individuals performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home ~~((shall))~~ **must** ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed;

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-170 Staff development. (1) The nursing home ~~((shall))~~ **must** have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home ~~((shall))~~ **must**:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home ~~((shall))~~ **must**:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-175 Medical director. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(i) will be deemed to meet this section.~~

~~((2) Except for intermediate care facilities for the mentally retarded (ICF/MR),))~~ The nursing home ~~((shall))~~ **must** designate a physician to serve as medical director.

~~((3))~~ (2) The medical director is responsible for:

(a) Implementation of resident care policies; and

(b) The coordination of medical care in the facility.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-180 Clinical records. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(1) will be deemed to meet subsection (2) of this section.~~

~~((2))~~ The nursing home ~~((shall))~~ **must**:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

(i) Complete;

(ii) Accurately documented;

(iii) Readily accessible; and

(iv) Systematically organized.

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

(i) Transfer to another health care institution;

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- (ii) Law;
- (iii) Third party payment contract; or
- (iv) The resident.

~~((3))~~ (2) The nursing home ~~((shall))~~ must ensure the clinical record of each resident includes at least the following:

- (a) Resident identification and sociological data, including the name and address of the ~~((person or persons))~~ individual or individuals the resident designates as significant;
- (b) Medical information required under WAC 388-97-125~~(, Physician services;);~~;
- (c) Physician's orders;
- (d) Assessments;
- (e) Plans of care;
- (f) Services provided;
- (g) In the case of the Medicaid-certified nursing facility, records related to preadmission screening and ~~((annual))~~ resident review;
- (h) Progress notes;
- (i) Medications administered;
- (j) Consents, authorizations, releases;
- (k) Allergic responses;
- (l) Laboratory, X-ray, and other findings; and
- (m) Other records as appropriate.

~~((4))~~ (3) The nursing home ~~((shall))~~ must:

- (a) Designate ~~((a person))~~ an individual responsible for the record system who:
 - (i) Has appropriate training and experience in clinical record management; or
 - (ii) Receives consultation from a qualified clinical record practitioner, such as an registered record administrator or accredited record technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

- (i) A master resident index having a reference for each resident including the health record number; if applicable; full name; date of birth; admission dates; and discharge dates; and
- (ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home ~~((shall))~~ must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

~~((5))~~ (4) The nursing home ~~((shall))~~ must ensure the clinical record of each resident:

- (a) Is documented and authenticated accurately, promptly and legibly by ~~((persons))~~ individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services~~((; and))~~, "Authenticated" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible individual; and:
 - (i) Documents from other health care facilities that are clearly identified as being authenticated at that facility ~~((shall))~~ will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document ~~((shall))~~ will be accepted.

(b) Contains appropriate information for a deceased resident including:

- (i) The time and date of death;
 - (ii) Apparent cause of death;
 - (iii) Notification of the physician and appropriate resident representative; and
 - (iv) The disposition of the body and personal effects.
- ~~((6))~~ (5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home ~~((shall))~~ must:

- (a) Have in place safeguards to prevent unauthorized access; and
 - (b) Provide for reconstruction of information.
- ~~((7))~~ (6) The nursing home ~~((shall))~~ must:
- (a) Retain health records for the time period required in RCW 18.51.300~~(;);~~
 - (i) For a period of no less than eight years following the most recent discharge of the resident; except
 - (ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of ~~((health))~~ clinical records to the new licensee; and

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the ~~((health))~~ clinical records.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-185 Disaster and emergency preparedness. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(m) will be deemed to meet subsection (2) of this section.~~

~~((2))~~ The nursing home shall train all employees in emergency procedures when they begin to work in the nursing home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.

~~((3))~~ The nursing home ~~((shall have))~~ must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home ~~((shall))~~ must ensure these plans provide for:

- (a) Fire or smoke;
- (b) Severe weather;
- (c) Loss of power;
- (d) Earthquake;
- (e) Explosion;
- (f) Missing resident, elopement;
- (g) Loss of normal water supply;
- (h) Bomb threats; ~~((and))~~
- (i) Armed ~~((persons))~~ individuals;
- (j) Gas leak, or loss of service; and
- (k) Loss of heat supply.

~~((4))~~ (2) The nursing home must train all employees in emergency procedures when they begin work in the nursing

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home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.

(3) The nursing home ((~~shall~~)) must ensure emergency plans:

(a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;

(b) Are reviewed annually; and

(c) Include evacuation routes prominently posted on each unit.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-190 Quality assessment and assurance.

(1) (~~Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(e) will be deemed to meet subsection (2) of this section.~~

(2)) The nursing home shall must maintain a process for quality assessment and assurance. The department may not require disclosure of the records of the quality assessment and assurance committee except in so far as such disclosure is related to ensuring compliance with the requirements of this section.

((~~3~~)) (2) The nursing home ((~~shall~~)) must ensure the ((~~nursing home's~~)) quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-195 Policies and procedures. (1) The nursing home ((~~shall~~)) must develop and implement written policies and procedures ((~~in accordance with RCW 74.42.430, and other state and federal laws applicable to resident rights and nursing home operations~~)), including those specified in RCW 74.42.430, for all services provided in the facility.

(2) The nursing home ((~~shall~~)) must ensure the written policies and procedures ((~~referred to in subsection (1) of this section~~)):

(a) Promote and protect each resident's:

(i) Rights, including health care decision making;

(ii) Personal interests; and

(iii) Financial and property interests((-));

(b) Are ((~~made~~)) readily available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) ((~~In the case of policies and procedures related to health care decision making and resident representation, are provided to the resident in accordance with federal requirements, where applicable; and~~

(~~d~~)) Are current, and continued without interruption in the event of staff changes; and

(d) Are consistent with other state and federal laws applicable to nursing home operations.

NEW SECTION

WAC 388-97-202 Criminal history disclosure and background inquiries. (1) Except as provided in this section, a nursing home must not employ any individual, directly or by contract, or accept as a volunteer or student, any individual who may have regularly scheduled unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;

(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;

(c) Has been found, by a court of law, to have abused, neglected, exploited, or abandoned a minor or vulnerable adult in criminal, dependency or domestic relations proceeding. A "vulnerable adult" is defined in chapter 74.34 RCW;

(d) Was subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property; or

(e) Has been found to have neglected, exploited, or abandoned a minor or vulnerable adult by a disciplining authority, including the state department of health, or by the department's resident protection program.

(2) A nursing home may conditionally employ an individual pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(3) A nursing home licensed under chapter 18.51 RCW must make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapters 18.51, 18.20, and 70.128 RCW provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or the Washington state patrol within the two years of the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within

two years before the current date of employment in the nursing home; and

(e) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the applicant has, or may have, a disqualifying conviction or finding.

(4) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by contract, or accepted as a volunteer or student; and

(b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of having a conviction record.

(5) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

(a) Inform the individual that the facility must make a background inquiry and require the individual to sign a disclosure statement, authorizing the inquiry; or

(b) Inform the individual that he or she may make a request for a copy of a completed background inquiry of this section; and (c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

(6) The nursing home must establish procedures ensuring that:

(a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;

(b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(c) Disclosure statements and background inquiry responses are used for employment purposes only;

(d) Disclosure statements and background inquiry responses are not disclosed to any individual except:

(i) The individual about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

(iii) Authorized federal employees including those from the Department of Health and Human Services, Health Care Financing Administration;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection (3) of this section; and

(e) A record of findings be retained by the facility for twelve months beyond the date of employment termination.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-205 Laundry services. (1) The nursing home ~~((shall ensure sufficient washing and drying facilities to meet the residents' care and comfort needs without delay-~~

~~To that end the nursing home shall)) must meet the requirements of WAC 388-97-347, and:~~

(a) Launder facility linens on the premises; or

(b) Contract with a laundry capable of meeting quality standards, infection control, and turn-around time requirements; and

(c) Make provision for laundering of residents' personal clothing.

~~(2) ((The nursing home shall ensure the temperature and time of the hot water cycle to disinfect nursing home linen is:~~

~~(a) One hundred sixty degrees Fahrenheit during a five minute minimum wash cycle or one hundred forty degrees Fahrenheit during a fifteen minute minimum wash cycle; or~~

~~(b) Equivalent disinfection method which conforms to generally accepted standards of infection control for health care facility linen.~~

~~(3)) For residents' personal clothing, the nursing home ((shall):~~

(a) Must have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and

(b) May use department approved chemical disinfection in lieu of the hot water disinfection.

NEW SECTION

WAC 388-97-212 Short-term care, including respite services and adult day or night care. (1) The nursing home may provide short-term care to individuals which include:

(a) Respite services to provide relief care for families or other caregivers of individuals with disabilities which must:

(i) Provide short-term care and supervision in substitution for the caregiver;

(ii) Be for short-term stays up to a maximum of thirty-one days; and

(iii) Not be used as a short-term placement pending the individual's admission to the nursing home; and

(b) Adult day or night care to provide short-term nursing home care:

(i) Not to exceed sixteen hours each day; and

(ii) May be on a regular or intermittent basis.

(2) The nursing home providing respite services, and adult day or night care must:

(a) Develop and implement policies and procedures consistent with this section;

(b) Ensure that individuals receiving short-term services under respite or adult day or night care are treated and cared for in accordance with the rights and choices of long-term residents, except for transfer and discharge rights which are provided under the program for short-term services which covers the individual in the nursing home;

(c) Have appropriate and adequate staff, space, and equipment to meet the individual's needs without jeopardy to the care of regular residents;

(d) Before or at the time of admission, obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

(i) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;

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(ii) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and

(iii) Physician's orders for diet, medication and routine care consistent with the individual's status on admission.

(e) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-147;

(f) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay or care in the nursing home;

(g) Provide for the individual to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(h) Promptly report injury, illness, or other adverse change in health condition to the attending physician; and

(i) Inquire as to the need for and comply with any request of the individual, or where appropriate, the individual's representative, to secure cash and other valuables brought to the nursing home during the stay/care.

(3) The nursing home may, in lieu of opening a new record, reopen the individual's clinical record with each period of stay or care up to one year from the previous stay or care, provided the nursing home reviews and updates the recorded information.

(4) Medicaid certified nursing facilities must complete the state-approved resident assessment instrument, within fourteen days, for any individual whose respite stay exceeds fourteen days.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-220 Dialysis services. (1) (~~"Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.~~

~~(2) "Dialysis helper" means a person who has:~~

~~(a) Completed an inservice class approved by the kidney center; and~~

~~(b) Been hired by the resident to provide to the resident care related only to dialysis treatment.~~

~~(3) "Kidney center" means those facilities as defined and certified by the federal government to provide end stage renal disease (ESRD) services and which provide services specified in WAC 246-520-020)) The nursing home must ensure that appropriate care, treatment, and services are provided to each nursing home resident receiving dialysis. "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial semipermeable membrane.~~

~~((4)) (2) Dialysis for acute renal failure ((shall)) must not be administered in a nursing home.~~

~~((5)) (3) A nursing home may only administer maintenance dialysis in the nursing home after the:~~

~~(a) Analysis of other options and elimination of these options based on the resident's best interest; and~~

~~(b) The decision is made jointly by a team of ((persons)) individuals representing the kidney center, the resident, the resident's nephrologist, and the nursing home. A "kidney center" means those facilities as defined and certified by the federal government to provide end stage renal (ESRD) services.~~

~~((6)) (4) The nursing home ((shall)) must ensure that:~~

~~(a) A current written agreement is in effect with each kidney center responsible for the management and care of each ((patient)) nursing home resident undergoing dialysis ((in the nursing home)); and~~

~~(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.~~

~~((6) The nursing home shall ensure appropriate care, treatment, and services to each resident receiving dialysis in the nursing home.~~

~~(7)) (5) The kidney center ((shall)) must assist the nursing home in ensuring appropriate care, treatment, and services related to dialysis ((in the nursing home)). Responsibilities of the kidney center ((shall)) must include, but not be limited to the:~~

~~(a) Provision of clinical and chemical laboratory services;~~

~~(b) Services of a qualified dietitian;~~

~~(c) Social services;~~

~~(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;~~

~~(e) Certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies. A "dialysis helper" means an individual who has completed an inservice class approved by the kidney center and has been hired by the resident to provide to the resident care related only to the dialysis treatment;~~

~~(f) An in-hospital dialysis program for the care and treatment of a dialysis resident with a complication or acute condition necessitating hospital care;~~

~~(g) A continuing in-service education program for nursing home staff working with a dialysis resident;~~

~~(h) A program for periodic, on-site review of the nursing home's dialysis rooms;~~

~~(i) Selection, procurement, and installation of dialysis equipment;~~

~~(j) Selection and procurement of dialysis supplies;~~

~~(k) Proper storage of dialysis supplies; and~~

~~(l) Specification, procurement, and installation of the purification process for treatment of water used as a diluent in the dialyzing fluid.~~

~~((8)) (6) Only a registered nurse from the kidney center or a dialysis helper may administer dialysis in the nursing home.~~

~~(a) A dialysis helper may be a registered nurse; and~~

~~(b) When a dialysis helper is not a registered nurse, the nursing home ((shall)) must have a registered nurse who has~~

completed an in-service class approved by the kidney center, on the premises during dialysis.

~~((9))~~ (7) A physician, designated or approved by the kidney center, ~~((shall))~~ must be on call at all times dialysis is being administered in the nursing home.

~~((10))~~ (8) The resident's attending physician and the kidney center ~~((shall))~~ must provide, or direct and supervise, the continuing medical management and surveillance of the care of each nursing home resident receiving dialysis ~~((resident in a nursing home))~~.

~~((11))~~ (9) The nursing home ~~((shall))~~ must:

(a) Ensure the kidney center develops a dialysis treatment plan; and

(b) Incorporate this treatment plan into the resident's comprehensive plan of care and include specific medical orders for medications, treatment, and diet.

~~((12))~~ (10) The dialysis room in the nursing home ~~((shall))~~ must be in compliance with federal standards established ~~((under 42 C.F.R. §405.2140;))~~ for ESRD facilities. This includes:

(a) Storage space available for equipment and supplies;

(b) A telephone at the bedside of each dialysis resident; and

(c) A mechanical means of summoning additional staff to the dialysis area in the event of a dialysis emergency.

~~((MEDICAID CERTIFIED NURSING FACILITIES))~~
PRE-ADMISSION SCREENING AND RESIDENT REVIEW (PASRR) IN MEDICAID CERTIFIED FACILITIES

NEW SECTION

WAC 388-97-247 Pre-admission screening—Level I.

(1) Pre-admission screening (PAS) is a process by which individuals are evaluated:

(a) For the presence of a serious mental illness or a developmental disability, before admission to the nursing facility;

(b) For nursing facility level of care; and

(c) If the individual does have either a serious mental illness or a developmental disability, to determine whether there is a need for specialized services, or services of a lesser intensity.

(2) The referring hospital, physician, or other referral source must:

(a) Perform the identification screen using a standardized department-specified Level I screening form for all individuals seeking admission to a nursing facility unless they:

(i) Are being readmitted to the nursing facility from the hospital;

(ii) Are being transferred from one nursing facility to another, with or without an intervening hospital stay; or

(iii) Require only thirty days of convalescent care following treatment in an acute care hospital or thirty days respite care as defined in WAC 388-97-212. NOTE: The nursing facility must refer the individual to the department's home and community services office if the individual stays beyond thirty days.

(b) Identify whether the individual may have a serious mental illness or a developmental disability as defined under 42 C.F.R. § 483.102, or successor laws; and

(c) Refer all individuals identified as likely to have a serious mental illness or a developmental disability to the department for a Level II screening. Exception: Individuals identified as meeting any of the advanced categorical determinations in WAC 388-97-249, do not need to be referred to the department.

NEW SECTION

WAC 388-97-249 Advanced categorical determinations, not subject to pre-admission screening—Level II. Individuals identified as having symptoms of mental illness or a developmental disability and meeting any of the advanced categorical determinations do not need to be referred for a Level II screening. The determinations include that the individual:

(1) Is admitted to the nursing facility for respite care as defined under WAC 388-97-212;

(2) Cannot accurately be diagnosed because of delirium. NOTE: The individual would be subject to a Level II screening when the delirium cleared;

(3) Has been certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(4) Has been diagnosed with a severe physical illness such as coma, ventilator dependence, and is functioning at a brain stem level;

(5) Has a severe level of impairment from diagnoses such as:

(a) Chronic obstructive pulmonary disease;

(b) Parkinson's disease;

(c) Huntington's chorea;

(d) Amyotrophic lateral sclerosis;

(e) Congestive heart failure; or

(6) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder. NOTE: There must be evidence to support this determination.

NEW SECTION

WAC 388-97-251 Pre-admission screening—Level II. (1) For individuals likely to have a serious mental illness or developmental disability, and who do not fit any of the categorical determinations, the department must determine their need for nursing facility level of care. If they do meet the nursing facility level of care, the department refers them to the department's designee, either the mental health PASRR contractor or the division of developmental disabilities, for a Level II screening.

(2) The department's designee will verify the diagnosis and determine whether the referred individuals need specialized services, or services of a lesser intensity:

(a) "Specialized services" for an individual with mental retardation or related conditions is defined under 42 C.F.R. § 483.120 (a)(2), and § 483.440 (a)(1), or successor laws. These specialized services do not include services to main-

tain a generally independent individual able to function with little supervision or in the absence of a treatment program; and

(b) "Specialized services" for an individual with a serious mental illness is defined under 42 C.F.R. § 483.120 (a)(1), or successor laws. These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The need for specialized services, for a nursing facility applicant, will be determined as follows:

(a) If the individual is identified as likely to have a serious mental illness, a qualified mental health professional will verify whether the individual has a serious mental illness and, if so, will recommend whether the individual needs specialized services; and

(b) If the individual is identified as likely to have a developmental disability, a licensed psychologist will verify whether the individual has a developmental disability and, if so, staff of the division of developmental disabilities will assess and determine whether the individual requires specialized services.

NEW SECTION

WAC 388-97-253 Resident review. After a resident's admission the nursing facility must:

(1) Review the Level I screening form for accuracy and make changes as needed if the resident develops a qualifying diagnosis or if the resident's symptoms were undetected or misdiagnosed; and

(2) Refer residents who have qualifying diagnoses and who require further PASRR assessment to the department;

(3) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. § 483.20;

(4) Maintain the identification screen form and PASRR assessment information, including recommendations, in the resident's active clinical record; and

(5) Promptly notify the department after a significant change in the physical or mental condition of any resident that is mentally ill or mentally retarded.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-260 ((PASARR)) Pre-admission screening and resident review (PASRR) determination and appeal rights. (1) ~~((A nursing facility))~~ The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in subsection (1) above, the department, or designee, will clarify the effect on eligibility for

Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(3) A nursing facility applicant or resident who has been adversely impacted by a ((PASARR)) PASRR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC ((388-97-235, Medical eligibility for nursing facility care, and 42 C.F.R. §483.130 (m)(2), (5), or (6))) 388-97-022;

(b) Not in need of specialized services as defined under WAC ((388-97-255, Preadmission screening and annual resident review (PASARR), and 42 C.F.R. §483.130 (m)(1), (2), (3), or (6))) 388-97-251; or

(c) Need for specialized services as defined under WAC ((388-97-255, Preadmission screening and annual resident review (PASARR), 42 C.F.R. §483.130 (4) and (5), and 42 C.F.R. §483.132 (a)(4))) 388-97-251.

((2)) (4) The nursing facility ((shall)) must assist the ((nursing facility)) applicant or resident, as needed, in requesting a hearing to appeal the department's ((PASARR)) PASRR determination.

((3)) (5) If the department's ((PASARR)) PASRR determination requires that a resident be transferred or discharged, the department ((shall)) will:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of ((appeals)) administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident ((shall)) will be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

((4) Aging and adult) (6) The department's home and community services may ((grant extension of a)) pay for the resident's ((Medicaid)) nursing facility ((payment)) services after the time specified in subsection (3)(c)(iii) of this section, ((when)) if the department determines that a location appropriate to the resident's medical and other needs is not available.

((5)) (7) The department ((shall)) will:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge (~~(pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice);~~);

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's (~~(PASARR))~~ PASRR determination.

~~((6))~~ (8) Resident appeals of (~~(PASARR))~~ PASRR determinations (~~(shall))~~ will be in accordance with 42 C.F.R. §431 Subpart E, chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter (~~(shall))~~ will prevail.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

NEW SECTION

WAC 388-97-285 Intermediate care facilities for the mentally retarded. (1) An ICF/MR nursing facility that meets the requirements of 42 C.F.R. § 483. Subpart I will be deemed to meet the requirements of this subchapter except that in an ICF/MR nursing facility:

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-115 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

SUBCHAPTER II PHYSICAL ENVIRONMENT (~~(ALL FACILITIES))~~)

GENERAL

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-295 (~~(General))~~ Design. The design of a nursing home (~~(shall be designed, equipped, and maintained to:~~

(1) ~~Protect the health and safety of residents, personnel, and the public; and~~

(2) ~~Provide))~~ must facilitate resident-centered care and services in a safe, clean, comfortable and homelike environment (~~(allowing))~~ that allows the resident to use his or her personal belongings to the greatest extent possible.

NEW SECTION

WAC 388-97-29510 New construction compliance. The nursing home must ensure that: (1) New construction complies with all the requirements of subchapter II;

(2) New construction approved by the department of health, certificate of need and construction review, before the effective date of this chapter complies with the rules in effect at the time of the plan approval;

(3) The department of health, certificate of need and construction review, is contacted for all new construction; and

(4) The department has done a pre-occupancy survey and has determined that the new construction is in compliance with these regulations before the area is placed in use.

NEW SECTION

WAC 388-97-29520 Fire standards and approval, and other standards. The nursing home must: (1) Conform to at least the minimum standards for the prevention of fire, and for the protection of life and property against fire, according to the Uniform Fire Code, RCW 19.27.031, the federal Life Safety Code, and additional state guidelines in chapter 212-12 WAC; and

(2) Comply with all other applicable requirements of state and federal law.

NEW SECTION

WAC 388-97-29530 Maintenance and repair. All nursing homes must: (1) Maintain electrical, mechanical, and patient care equipment in safe and operating condition; and

(2) Ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

NEW SECTION

WAC 388-97-29540 Noise. (1) All nursing homes must maintain comfortable sound levels, to include minimizing the use of the public address system and taking reasonable precautions with noisy services so residents are not disturbed, particularly during their sleeping time; and

(2) **In new construction,** the nursing home must:

(a) Have walls, floor/ceiling and roof/ceiling assemblies constructed with materials that provide comfortable sound levels in all resident areas, rated at an STC 50 or greater; and

(b) Utilize an alternative to the public address system for nonemergency communication that best serves the residents' needs.

NEW SECTION

WAC 388-97-29550 Accessibility in new construction. The nursing home must be readily accessible to a person with disability and comply with WAC 388-97-410.

PROPOSED

NEW SECTION

WAC 388-97-29560 Types of new construction. New construction includes, but is not limited to: (1) New structures.

(a) A new building to be licensed as a nursing home; or
(b) An addition to a building currently licensed as a nursing home.

(2) Existing buildings.

(a) Conversion of another building to a nursing home;
(b) Change in the use of space for access by residents within an existing nursing home; and

(c) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for normal routine maintenance and repair.

(3) See WAC 388-97-400(3) for less extensive alterations.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-310 ICF/MR exceptions to physical plant requirements. The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. §483, Subpart I, (~~Conditions of participation for intermediate care facilities for the mentally retarded as now or hereafter amended~~) or successor laws.

(1) WAC (~~388-97-330 (1)(d), Resident rooms:~~) 388-97-33520, regarding the required number of square feet per bed(-); and

(2) WAC (~~388-97-335(9), Resident room equipment:~~) 388-97-33570, regarding cubicle curtains.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-315 Emergency power. (1) The nursing home (~~shall~~) must have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

~~((a))~~ (2) The nursing home (~~shall~~) must ensure the alternate source is ((a));

(a) Generator driven by a prime mover with on-site fuel supply(~~, unit equipment~~);

(b) Permanently fixed in place(~~, and~~);

(c) Approved for emergency service(~~,~~

~~(b) When life support systems are used, the nursing home shall provide emergency electrical power with an); and~~

(d) An on premises emergency generator, as defined in NFPA 99, Health care facilities, ((that is located on the premises)) when life support systems are used.

~~((2))~~ (3) The nursing home (~~shall~~) must ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

~~((3))~~ (4) A nursing home first licensed on or after October 1, 1981, (~~shall~~) must have emergency power supplied to:

(a) (~~Uninterrupted function of~~) Communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved ((when the outside design temperature is plus twenty degrees Fahrenheit or lower based on the median extremes as shown in the ASHRAE HANDBOOK OF FUNDAMENTALS)); and

(b) (~~Uninterrupted function of selected specially marked receptacles~~) Electrical outlets located in medication preparation areas, pharmacy dispensing areas, staff work stations, ((and)) dining areas, resident corridors, and resident bed locations designated for use with life support systems.

(5) In new construction, the emergency power equipment must meet the earthquake standards for the facility's geographic locale.

RESIDENT CARE UNIT

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-325 Location of the resident care unit. (~~(1) LOCATION:~~) The nursing home (~~shall locate~~) must ensure that:

~~((a))~~ (1) Each resident care unit is located to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

~~((b) All rooms or areas within the unit on the same floor level.)~~

(2) (~~REQUIRED SERVICES:~~

(a) The nursing home shall ensure each resident care unit has at least the following basic services:

(i) A staff work station;

(ii) A medicine storage and preparation area;

(iii) Utility rooms which maintain separated clean and soiled functions;

(iv) Storage space for linen, other supplies, and equipment;

(v) Housekeeping services; and

(vi) Janitor's closet.

(b) Resident care units may share basic services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home shall have a separate staff work station on a secured dementia care unit.

(3) **STAFF WORK STATION.** On each unit, the nursing home shall have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home shall equip the area with:

(a) A charting surface;

(b) A rack or other storage for current health records;

(c) Storage for record and clerical supplies;

(d) A telephone;

(e) A resident call system; and

(f) A clock.

~~(4) CALL SYSTEMS.~~ The nursing home shall provide the following or an equivalent system which meets these standards:

~~(a) An electrical communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system shall be equipped to receive resident calls from:~~

- ~~(i) The bedside of each resident;~~
- ~~(ii) Each day room or other area used by residents;~~
- ~~(iii) Resident toilet, bath and shower rooms.~~

~~(b) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home shall locate the signal device for easy reach by the resident.~~

~~(5) TELEPHONES.~~ A nursing home resident shall have twenty-four hour access to a telephone which:

- ~~(a) Provides auditory privacy; and~~
- ~~(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.~~

~~(6) UTILITY SERVICE ROOMS.~~ The nursing home shall provide a utility room designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those which are contaminated. The nursing home shall ensure:

- ~~(a) Each clean utility area has a work counter, a sink, and closed storage units for supplies and small equipment.~~
- ~~(b) Each soiled utility area has:

 - ~~(i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;~~
 - ~~(ii) Storage for cleaning supplies and other items;~~
 - ~~(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;~~
 - ~~(iv) Adequate space for waste containers, linen hampers, and other large equipment; and~~
 - ~~(v) Adequate ventilation to remove odors and moisture.~~~~

~~(7) DRUG FACILITIES.~~ The nursing home shall ensure an area is designed and equipped for drug preparation and locked storage near each work station. The nursing home shall ensure:

- ~~(a) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.~~
- ~~(b) The drug storage units provide:

 - ~~(i) Locked storage for all drugs;~~
 - ~~(ii) Separately keyed storage for Schedule II and III controlled substances; and~~
 - ~~(iii) Segregated storage of different resident's drugs.~~~~
- ~~(c) There is a refrigerator for storage of thermolabile drugs in the drug facility; and~~
- ~~(d) Locks and keys for drug facilities are different from other locks and keys within the nursing home.~~

~~(8) LINEN STORAGE.~~ The nursing home shall provide:

- ~~(a) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room.~~
- ~~(b) A soiled linen space for collection and temporary storage of soiled linen. This may be in an area of the soiled utility room.~~

~~(9) EQUIPMENT STORAGE.~~ The nursing home shall provide adequate storage space for wheelchairs and other ambulation equipment. The nursing home shall ensure equipment does not impinge upon the required corridor space.

~~(10) JANITORS' CLOSET.~~ The nursing home shall have a janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies near each resident care unit.) In new construction, the resident care unit, and the services to support resident care and nursing needs, are designed to serve a maximum of sixty beds on the same floor.

NEW SECTION

WAC 388-97-32510 Required service areas on resident care units. (1) The nursing home must ensure each resident care unit has at least the following required service areas:

- (a) A staff work station;
- (b) A medicine storage and preparation area;
- (c) A utility room that maintains separated clean and soiled functions;
- (d) Storage space for linen, other supplies, and equipment; and
- (e) Housekeeping services and janitor's closet.

(2) Resident care units may share required services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home must have a separate staff work station on a secured dementia care unit.

NEW SECTION

WAC 388-97-32520 Staff work stations on resident care units. (1) On each unit, the nursing home must have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home must equip the area with:

- (a) A charting surface;
- (b) A rack or other storage for current health records;
- (c) Storage for record and clerical supplies;
- (d) A telephone;
- (e) A resident call system; and
- (f) A clock.

(2) In new construction the work station space must be open to the corridor.

NEW SECTION

WAC 388-97-32530 Call systems on resident care units. The nursing home must provide the following, or an equivalent system that meets these standards:

(1) A wired or wireless communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system must be equipped to receive resident calls from:

- (a) The bedside of each resident;
- (b) Every common area, dining and activity areas, common use toilet rooms, and other areas used by residents; and

(c) Resident toilet, bath and shower rooms.

(2) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home must locate the signal device for easy reach by the resident. A signal device must be adapted to meet resident needs and, in the dementia unit, may be adapted for staff and family use, see WAC 388-97-35050.

NEW SECTION

WAC 388-97-32540 Telephones on resident care units. The nursing home must provide twenty-four hour access to a telephone for resident use which:

- (1) Provides auditory privacy;
- (2) Is accessible to a person with a disability and accommodates a person with sensory impairment;
- (3) Is not located in a staff office or at a nurse's station; and
- (4) Does not require payment for local calls.

NEW SECTION

WAC 388-97-32550 Utility service rooms on resident care units. (1) All nursing homes must:

- (a) Provide utility rooms designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those that are contaminated;
- (b) Ensure that each clean utility room has a work counter, a sink equipped with single use hand drying towels and soap for handwashing, and closed storage units for supplies and small equipment; and
- (c) Ensure that each soiled utility room has:
 - (i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;
 - (ii) Storage for cleaning supplies and other items, including equipment, to meet nursing home needs;
 - (iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;
 - (iv) Adequate space for waste containers, linen hampers, and other large equipment; and
 - (v) Adequate ventilation to remove odors and moisture.

(2) In new construction.

- (a) A resident room must not be more than ninety feet from a clean utility room and a soiled utility room;
- (b) Each soiled utility room must contain:
 - (i) A double-compartment sink with inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;
 - (ii) Sufficient, available work surface on each side of the sink to adequately process and dry equipment with a minimum of three feet of work surface on the clean side;
 - (iii) Drying/draining racks for wet equipment;
 - (iv) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and
 - (v) A siphon jet type clinic service sink or equivalent installed on the soiled side of the utility room away from the door.

(c) The nursing home's space for waste containers, linen hampers, and other large equipment, must not block work areas; and

(d) The utility rooms must meet the ventilation requirements of Table 5, WAC 388-97-47020.

NEW SECTION

WAC 388-97-32560 Drug facilities on resident care units. The nursing home must provide an area designed and equipped for drug preparation and locked storage convenient to each work station. The nursing home must ensure:

- (1) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units;
- (2) The drug storage units are one or more of the following:
 - (a) Locked cabinetry constructed in accordance with board of pharmacy regulations for drug storage which has:
 - (i) Separately keyed storage for Schedule II and III controlled substances; and
 - (ii) Segregated storage of different residents' drugs, or
 - (b) An automated medication distribution device or storage.
 - (3) There is a refrigerator for storage of thermolabile drugs in the drug facility;
 - (4) Locks and keys for drug facilities are different from other locks and keys within the nursing home; and
 - (5) **In new construction**, the drug facility must be a separate room.

NEW SECTION

WAC 388-97-32570 Linen storage on resident care units. The nursing home must provide:

- (1) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room;
- (2) A soiled linen area for the collection and temporary storage of soiled linen. This may be within the soiled utility room; and
- (3) **In new construction**, storage for linen barrels and clean linen carts.

NEW SECTION

WAC 388-97-32580 Janitors closets on resident care units. The nursing home must have a janitors closet with a service sink and adequate storage space for housekeeping equipment and supplies convenient to each resident unit.

RESIDENT ROOMS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-330 Resident rooms. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements of C.F.R. §483.70(d) will be deemed to meet subsections (2)(a), (b), (d), (e), and (4), except (2)(e) and (3).~~

~~(2) EACH RESIDENT ROOM SHALL MEET THE FOLLOWING REQUIREMENTS:~~

~~(a) EACH RESIDENT ROOM SHALL HAVE DIRECT ACCESS TO AN EXIT CORRIDOR AND SHALL BE LOCATED TO PREVENT THROUGH TRAFFIC;~~

~~(b) THE MAXIMUM CAPACITY OF ANY RESIDENT BEDROOM SHALL BE FOUR BEDS;~~

~~(c) There shall be no more than two beds between any resident bed and exterior window wall;~~

~~(d) MINIMUM ROOM AREAS FOR EXISTING FACILITIES EXCLUSIVE OF TOILET ROOMS, CLOSETS, LOCKERS OR WARDROBES SHALL BE AT LEAST EIGHTY SQUARE FEET PER BED IN EACH MULTI-BED ROOM AND AT LEAST ONE HUNDRED SQUARE FEET FOR EACH SINGLE BED ROOM;~~

~~(e) EACH RESIDENT ROOM SHALL BE DESIGNED OR EQUIPPED TO ENSURE FULL VISUAL PRIVACY FOR EACH RESIDENT.~~

~~(3) If a nursing home provides an isolation room, the nursing home shall ensure the room is uncarpeted and contains:~~

~~(a) A lavatory with water supplied through a mixing valve; and~~

~~(b) It's own adjoining toilet room containing a bathing facility.~~

~~(4) EXCEPTIONS. THE DIRECTOR OF NURSING HOME SERVICES, AGING AND ADULT SERVICES ADMINISTRATION, MAY PERMIT EXCEPTIONS TO (2)(c) AND (d) FOR NURSING HOMES WHEN THE NURSING HOME DEMONSTRATES IN WRITING THAT THE EXCEPTION:~~

~~(a) IS IN ACCORDANCE WITH THE SPECIAL NEEDS OF THE RESIDENT; AND~~

~~(b) WILL NOT ADVERSELY AFFECT ANY RESIDENTS' HEALTH OR SAFETY.)~~ The nursing home must ensure that each resident bedroom:

(a) Has direct access to an exit corridor;

(b) Is located on an exterior wall with a transparent glass window; and

(c) Is located to prevent through traffic.

(2) In a new building or addition, each resident bedroom must:

(a) Have an exterior transparent glass window;

(i) With an area equal to at least one-tenth of the bedroom usage floor area;

(ii) Located twenty-four or more from another building or the opposite wall of a court, or ten feet or more away from a property line, except on street sides;

(iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and

(iv) With a sill three feet or less above the floor.

(b) Be floor level above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

NEW SECTION

WAC 388-97-33010 Capacity of resident rooms. (1) The nursing home must ensure that any resident bedroom has:

(a) No more than two beds between any resident bed and exterior window wall; and

(b) A maximum capacity of four beds.

(2) **In a new building, addition, or change of use to a resident bedroom** the maximum capacity is two beds per room, for plans submitted after September 1, 1995.

NEW SECTION

WAC 388-97-33020 Size of resident rooms. The nursing home must ensure that minimum usable room space exclusive of toilet rooms, closets, lockers, wardrobes, must:

(1) In existing facilities, be at least eighty square feet per bed in each multi-bed room and at least one hundred square feet for each single bed room;

(2) **In a new building or addition**, be one-hundred and ten square feet per bed in multi-bed rooms, and one-hundred square feet in single bed rooms;

(3) **In new construction**, ensure that the minimum usable room space is also exclusive of vestibules; and

(4) For exceptions to room size requirements refer to WAC 388-97-310.

NEW SECTION

WAC 388-97-33030 Privacy in resident rooms. The nursing home must ensure that each resident bedroom is designed or equipped to ensure full visual privacy for each resident.

NEW SECTION

WAC 388-97-33040 Resident isolation rooms. If a nursing home provides an isolation room, the nursing home must ensure the room is uncarpeted and contains:

(1) A handwashing sink with water supplied through a mixing valve;

(2) It's own adjoining toilet room containing a bathing facility; and

(3) **In new construction**, the handwashing sink located between the corridor door and the bed.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-97-33050 Resident room size variance. The director of residential care services, aging and adult services administration, or their designee, may permit exceptions to WAC 388-97-33010 (1)(a) and 388-97-33020(1) when the nursing home demonstrates in writing that the exception:

(1) Is in accordance with the special needs of the resident; and

(2) Will not adversely affect any resident's health or safety.

RESIDENT ROOM EQUIPMENT

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-335 Resident room equipment. The nursing home ((~~shall~~)) must determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. Except as specified in WAC 388-97-07060, the nursing home ((shall)) must provide each resident with the following((, except as specified in WAC 388-97-070(15), Personal property:

~~(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;~~

~~(2) Appropriate bedding;~~

~~(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment;~~

~~(4) A lockable storage space accessible to each resident for storage of small personal items, upon request;~~

~~(5) A separated, enclosed wardrobe or closet for resident's clothing and belongings accessible to the resident;~~

~~(6) Comfortable seating to provide for proper body alignment and support;~~

~~(7) A wall-mounted or equivalent reading light, to accommodate the needs of the resident;~~

~~(8) A resident call signal device for each bed adapted to accommodate the needs of the resident, except as required in the dementia care unit; and~~

~~(9) Flame-retardant cubicle curtains in multi-bed rooms which provide full visual privacy for each resident)) items required in WAC 388-97-33510 through 388-97-33580.~~

NEW SECTION

WAC 388-97-33510 Resident bed and bedside equipment. The nursing home must provide:

(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;

(2) Appropriate bedding; and

(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment.

NEW SECTION

WAC 388-97-33520 Lockable storage space in a resident room. The nursing home must provide:

(1) A lockable storage space accessible to each resident for storage of small personal items, upon request; and

(2) **In a new building or addition,** a lockable cabinet space or drawer for storage of personal belongings for each resident bed, in addition to the bedside cabinet.

NEW SECTION

WAC 388-97-33530 Wardrobes in a resident room. The nursing home must provide:

(1) A separated, enclosed wardrobe or closet for each resident's clothing and belongings accessible to the resident; and

(2) **In a new building or addition,** each bed in each room must have a separate, enclosed wardrobe or closet accessible to the resident with:

(a) Minimum inside dimensions of twenty-two inches deep by a minimum of twenty-six inches wide by sixty inches high; and

(b) Inside space including a rod, at least fifteen inches long, and allowing for fifty-four inches of clear hanging length adjustable to meet the needs of the resident.

NEW SECTION

WAC 388-97-33540 Seating in a resident room. The nursing home must provide comfortable seating for residents and visitors, not including resident care equipment, that provides proper body alignment and support.

NEW SECTION

WAC 388-97-33550 Lighting in resident rooms. The nursing home must provide a permanently mounted or equivalent light suitable for any task the resident chooses to do or any task the staff must do.

NEW SECTION

WAC 388-97-33560 Call signal device in resident rooms. The nursing home must provide a resident call signal device that complies with WAC 388-97-32530.

NEW SECTION

WAC 388-97-33570 Cubicle curtains in resident rooms. The nursing home must provide:

(1) Flame-retardant cubicle curtains in multi-bed rooms that provide full visual privacy for each resident;

(2) **In a new building or addition,** the cubicle curtain or enclosed space must provide full visual privacy for each bed in a multi-bed room with enclosed space containing at least sixty-four square feet of floor area with a minimum dimension of seven feet. "Full visual privacy" in a multi-bed room prevents staff, visitors and other residents from seeing a resident in bed, while allowing staff, visitors, and other residents access to the toilet room, handwashing sink, exterior window, and the entrance door;

(3) For exceptions to cubicle curtain requirements refer to WAC 388-97-310.

NEW SECTION

WAC 388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition. The nursing home must provide:

(1) A phone jack for each bed in each room;

(2) A handwashing sink in each multi-bed room and a handwashing sink in each single room that does not have an adjoining toilet room containing a handwashing sink. A handwashing sink located in a resident bedroom must be located between the corridor entry door and the nearest resident bed; and

(3) Storage that meets the requirements of WAC 388-97-357, 388-97-35710, and 388-97-35720.

RESIDENT TOILET AND BATHING FACILITIES

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-340 Resident toilet ~~((and bathing))~~ facilities or rooms. ~~(((1) Each resident room shall be equipped with or located near toilet and bathing facilities.~~

~~(2))~~ The nursing home ~~((shall))~~ **must ensure that:**

~~(((a)))~~ (1) Each resident room is equipped with or located convenient to toilet facilities.

(2) For new construction, a toilet room ((is)) must:

(a) Be directly accessible from each resident room and from each bathing facility without going through or entering a general corridor while maintaining resident dignity;

(b) ~~((One toilet room))~~ Serve((s)) two bedrooms or less((-

(3) The nursing home shall ensure:

(a) All lockable toilets and bathrooms have readily available a means of unlocking from the outside; and

(b) Locks are operable from the inside with a single effort.

(4) The nursing home shall ensure there is at least one bathing unit for every twenty residents or fraction thereof which is not in a room served by an adjoining bathroom.

(5) The nursing home shall ensure for each resident care unit there is at least one bathing device designed for bathing by immersion.

(6) The nursing home shall ensure there is at least one roll in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(7) The nursing home shall ensure resident bathing equipment is smooth, cleanable, and able to be disinfected after each use);

(c) Be designed to accommodate a person in a wheelchair;

(d) Contain at least one handwashing sink; and

(e) Provide a properly located and securely mounted grab bar at each side and the back of each toilet fixture in each toilet room and staff. Grab bars must measure twelve to eighteen inches from center on the open side. Side grab bars must be able to swing up.

NEW SECTION

WAC 388-97-34010 Resident bathing facilities or rooms. The nursing home must ensure:

(1) Each resident room is equipped with or located near bathing facilities;

(2) At least one bathing unit for no more than thirty residents that is not located in a room served by an adjoining bathroom;

(3) At least one bathing device for immersion per floor;

(4) At least one roll in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(5) Resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

(6) **For new construction**, in each bathing unit containing more than one bathing facility:

(a) Each bathtub, shower, or equivalent, is located in a separate room or compartment with three solid walls;

(b) The entry wall may be a "shower" type curtain or equivalent;

(c) The area for each bathtub and shower is sufficient to accommodate a shower chair, an attendant, and provide visual privacy for bathing, drying, and dressing;

(d) Shower and tub surfaces are slip-resistant;

(e) Bathing areas are constructed of materials that are impervious to water and cleanable; and

(f) Grab bars are installed on all three sides of a shower with the shower head grab bar being "L" shaped.

NEW SECTION

WAC 388-97-34020 Locks in toilet and bathing facilities. The nursing home must ensure:

(1) All lockable toilet facilities and bathrooms have readily available a means of unlocking from the outside; and

(2) Locks are operable from the inside with a single motion.

DINING, DAYROOMS, AND RESIDENT ACTIVITY AREAS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-345 Dining, dayrooms, and resident ~~((activities))~~ activity areas. (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(g) will be deemed to meet this section.~~

(2)) The nursing home ~~((shall))~~ **must** provide one or more rooms designated for resident dining and activities~~((These rooms shall))~~ **that are:**

(a) ~~((Be))~~ Well lighted;

(b) ~~((Be))~~ Well ventilated;

(c) ~~((Be))~~ Adequately furnished; and

(d) ~~((Have sufficient space))~~ Large enough to accommodate all activities.

PROPOSED

(2) In a new building or addition, the nursing home must design space for dining rooms, dayrooms, and activity areas for resident convenience and comfort and to provide a homelike environment. The nursing home must:

(a) Ensure these rooms or areas are exterior rooms with windows that have a maximum sill height of thirty-six inches;

(b) Provide space for dining, day use, and activities with a minimum combined total of thirty square feet for each licensed bed;

(c) Design any multi-purpose rooms to prevent program interference with each other;

(d) Locate a day room on each resident care unit;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Locate a common use toilet facility, with handwashing sink and accessories, providing direct access from the hallway and within a maximum of forty feet from these spaces.

LAUNDRY SERVICES

NEW SECTION

WAC 388-97-347 Laundry services and storage. The nursing home must comply with WAC 388-97-205 and ensure:

(1) Sufficient laundry washing and drying facilities to meet the residents' care and comfort needs without delay.

(2) The temperature and time of the hot water cycle to disinfect nursing home linen is in accordance with the following table:

Water temperature	Cycle length
160 degrees F	At least 5 minutes
140 degrees F	At least 15 minutes

(3) **In new construction**, soiled linens and soiled clothing are stored and sorted in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Have self-closing doors;
- (b) Be separated from the washing and drying facilities;
- (c) Contain a handwashing sink;
- (d) Have a floor drain; and
- (e) Contain a clinic service sink.

(4) **In new construction**, clean linen is stored in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Be separated from the washing and drying facilities; and
- (b) Have self closing doors.

DEMENTIA CARE UNIT

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-350 ((Optional rooms and areas))
Dementia care unit. (((1) ~~DEMENTIA CARE UNIT.~~)) A

nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section((~~A new building or addition to an existing nursing home shall also meet the requirements of WAC 388-97-460(1). Refer to WAC 388-97-095 for program requirements. The dementia care unit shall:~~

~~(a) Provide dining areas which may also serve as day areas for the unit;~~

~~(b) Provide secured outdoor space and walkways including:~~

~~(i) Ambulation area. Walking surfaces shall be firm, stable, and free from abrupt changes. Walking surfaces subject to wet conditions shall have slip-resistant surfaces;~~

~~(ii) Outdoor furniture; and~~

~~(iii) Nontoxic plants;~~

~~(e) Staff toilet room with lavatory;~~

~~(d) Provide indoor ambulation areas meeting the needs of the residents, and maintained free of equipment;~~

~~(e) Ensure floors, walls, and ceiling surfaces display contrasting color for identification. Surfaces may have a disguise design to obscure or conceal areas that residents should not enter. Exterior exit doors shall be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;~~

~~(f) Ensure door thresholds are one-half inch high or less;~~

~~(g) Provide an electrical signaling system at each bedside, designed primarily for staff and visitor use in emergent situations, which registers by a distinctive light at the resident room door and light and tone at the staff work station. The facility shall accommodate the needs of residents able to utilize a call system;~~

~~(h) Not use a public address system except for emergencies;~~

~~(i) Ensure required approvals are obtained from the state fire marshal, department of social and health services and the local official enforcing the uniform building code and uniform fire code when automatic door locks are used.~~

~~(j) Always have staff present in the unit to protect all residents in the event of fire and for residents' evacuation to areas of refuge and from the building when necessary.~~

~~(2) **SPECIALIZED REHABILITATION.** Nursing homes initially licensed after October 1, 1981, shall ensure inpatient services:~~

~~(a) Are located for easy access in general service areas;~~

~~(b) Include exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;~~

~~(c) Have adequate space for exercise equipment and treatment tables with sufficient work space on each side;~~

~~(d) Provide privacy cubicle curtains on tracks or the equivalent around treatment areas;~~

~~(e) Provide a lavatory in the treatment area and a toilet nearby;~~

~~(f) Provide space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;~~

~~(g) Provide adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;~~

~~(h) Provide adequate storage space for large equipment;~~

PROPOSED

- (i) Provide a janitor's closet close to the area;
- (j) Provide for soiled linen storage; and
- (k) Provide a separate room or area for hydrotherapy tanks, or the equivalent, if tanks are used.

~~(3) **OUTPATIENT REHABILITATION.** The nursing home shall ensure facilities with outpatient programs provide:~~

- ~~(a) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;~~
- ~~(b) Adequate space for the program to minimize disruption to designated resident care units;~~
- ~~(c) Accessible toilet and shower facilities nearby;~~
- ~~(d) Lockers or a safe place to store outpatient personal belongings; and~~
- ~~(e) A separate room or area for hydrotherapy tanks, or the equivalent), WAC 388-97-35010 through 388-97-35060, and the resident care unit requirements of WAC 388-97-325 through 388-97-32580. Refer to WAC 388-97-097, for program requirements.~~

NEW SECTION

WAC 388-97-35010 Dining areas on a dementia care unit. (1) The nursing home must provide dining areas in the dementia care unit which may also serve as day areas for the unit.

(2) **In a new building or addition**, the dining, dayroom, and activity area or areas on the unit must provide a minimum of thirty square feet per resident.

NEW SECTION

WAC 388-97-35020 Outdoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

- (1) Secured outdoor space and walkways;
- (2) An ambulation area with accessible walking surfaces that:
 - (a) Are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;
 - (b) Have slip-resistant surfaces if subject to wet conditions; and
 - (c) Sufficient space and outdoor furniture with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and
- (3) Nontoxic outdoor plants in areas accessible to residents.
- (4) **In new construction** the outdoor areas must also meet the requirements of WAC 388-97-45510.

NEW SECTION

WAC 388-97-35030 Indoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

- (1) Indoor areas that meet the needs of the residents and are maintained free of equipment; and

- (2) Nontoxic indoor plants in areas accessible to residents.

NEW SECTION

WAC 388-97-35040 Ambulation route on a dementia care unit in a new building or addition. The nursing home must ensure that the dementia care unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

NEW SECTION

WAC 388-97-35050 Physical plant on a dementia care unit. The nursing home must:

- (1) Provide a staff toilet room with a handwashing sink;
- (2) Ensure that floors, walls, and ceiling surfaces display contrasting color for identification:
 - (a) Surfaces may have a disguise design to obscure or conceal areas that residents should not enter; and
 - (b) Exterior exit doors must be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;
- (3) Ensure that door thresholds are one-half inch high or less;
- (4) Provide a signal device adapted:
 - (a) To meet residents' needs; and
 - (b) For staff and family use, if necessary;
- (5) Ensure that the public address system is used only for emergency use; and
- (6) Refer to WAC 388-97-470(2) for dementia care unit exceptions to individual temperature controls.

NEW SECTION

WAC 388-97-35060 Automatic door locks on a dementia care unit. In dementia care units the nursing home must:

- (1) Have proof that required approvals for any automatic door locks were obtained from the state fire marshal, department of social and health services, and the local official who enforces the uniform building code and uniform fire code; and
- (2) **In a new building or addition**, for egress door control devices to be used on doors and gates which are a part of the exit system, the building must:
 - (a) Have an approved automatic fire alarm system;
 - (b) Have an approved supervised automatic fire sprinkler system which is electrically interconnected with the fire alarm system; and
 - (c) Have a system which must:
 - (i) Automatically release if power to the system is lost;
 - (ii) Automatically release with activation of the building's fire alarm system;

(iii) Release with an override switch installed at each staff work station or at a constantly staff attended location within the building; and

(iv) Have directions for releasing the device at each egress controlled door and gate; and

(d) Prohibit the use of keyed locks at all doors and gates in all egress pathways.

SPECIALIZED AND OUTPATIENT REHABILITATION

NEW SECTION

WAC 388-97-352 Specialized rehabilitation. (1) If nursing homes initially licensed after October 1, 1981 provide inpatient specialized rehabilitation, they must ensure that those services provide:

(a) Easy access in general service areas;

(b) Exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;

(c) Adequate space for exercise equipment and treatment tables with sufficient work space on each side;

(d) Privacy cubicle curtains on tracks or the equivalent around treatment areas;

(e) A sink in the treatment area and a toilet and hand-washing sink in a toilet room nearby;

(f) Space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;

(g) Adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;

(h) Adequate storage space for large equipment;

(i) A janitor's closet close to the area;

(j) Soiled linen storage; and

(k) A separate room or area for hydrotherapy tanks, or the equivalent, if provided.

(2) **For any new construction** under WAC 388-97-29560, nursing homes licensed before October 1, 1981, must comply with the requirements in subsection (1) of this section.

NEW SECTION

WAC 388-97-353 Outpatient rehabilitation. The nursing home must ensure that facilities with outpatient programs provide:

(1) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;

(2) Adequate space for the program so that disruption to designated resident care units is minimized;

(3) Accessible toilet and shower facilities nearby;

(4) Lockers or a safe place to store outpatient personal belongings;

(5) A separate room or area for hydrotherapy tanks, or the equivalent, if provided; and

(6) **In new construction**, required access must come from the exterior without passing through the interior of the facility.

FOOD SERVICE AREAS

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-355 Food service areas. The nursing home ~~((shall))~~ **must** ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home ~~((shall))~~ **must**:

(1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;

(2) Ensure food service areas are located to facilitate receiving of food ~~((stores))~~ **supplies**, disposal of kitchen waste, and transportation of food to dining and resident care areas;

(3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;

(4) Locate the receiving area for ready access to storage and refrigeration areas;

(5) Conveniently locate **a** handwashing ~~((facilities to))~~ **sink near** the food preparation and dishwashing area, and include ~~((a lavatory))~~, a waste receptacle~~((s))~~ and dispensers stocked with soap and paper towels;

(6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;

(7) Locate the garbage storage area in a well-ventilated room or an outside area;

(8) ~~((When a can wash area is provided, have))~~ **Provide** hot and cold water and a floor drain connected to the sanitary sewage system **in a can wash area, unless located in outside covered area**;

(9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and

(10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

STORAGE

NEW SECTION

WAC 388-97-357 Storage of equipment. The nursing home must:

(1) Provide adequate storage space for wheelchairs and other ambulation equipment;

(2) Ensure stored equipment does not impinge upon the required corridor space; and

(3) **In new construction**, provide adequate storage of four square feet or more of storage space per bed which does not impinge upon required corridor space.

NEW SECTION

WAC 388-97-35710 Storage of resident room equipment in a new building or addition. The nursing home must provide separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

NEW SECTION

WAC 388-97-35720 General storage in new construction. A nursing home must have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-33520.

LIGHTING AND ELECTRICAL

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-360 Lighting and electrical. The nursing home ~~((shall))~~ **must ensure that lighting and lighting levels:**

- (1) ~~((Lighting is))~~ **Are** adequate and comfortable for the functions being conducted in each area of the nursing home;
- (2) ~~((Lighting levels are appropriate to the task;))~~ **Are suitable for any task the resident chooses or any task the staff must do;**
- (3) Support the independent functioning of the resident~~((;))~~;
- (4) Provide a homelike environment~~((;))~~; and
- (5) Minimize glare~~((;))~~;
- ~~(3) Adequate natural or artificial light for inside illumination is provided in every useable room area, including storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps;~~
- ~~(4) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety;~~
- ~~(5) All outside areas where nursing home equipment and machinery are stored have proper lighting; and~~
- ~~(6) Light shields are provided in kitchens and related food serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, and resident rooms when ceiling-mounted florescent lights are used)).~~

NEW SECTION

WAC 388-97-36010 Natural or artificial light. (1) The nursing home must ensure that adequate natural or artificial light for inside illumination is provided in every useable room area, including but not limited to storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps.

(2) **In new buildings and additions,** the nursing home must utilize:

- (a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

- (b) Windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

NEW SECTION

WAC 388-97-36020 Outside lighting. The nursing home must ensure:

- (1) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety; and
- (2) All outside areas where nursing home equipment and machinery are stored have proper lighting.

NEW SECTION

WAC 388-97-36030 Light shields. The nursing home must ensure that light shields are provided in food preparation and serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, laundry areas, and on ceiling mounted fluorescent lights in resident rooms.

NEW SECTION

WAC 388-97-36040 Illumination levels in new buildings and additions. The nursing home must ensure:

- (1) Lighting fixtures and circuitry provide at least the illumination levels shown within Table B;
- (2) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation; and
- (3) Light fixture locations and switching arrangements are appropriate for the needs of the occupants of the spaces and follow Illuminating Engineering Society (IES) recommendations for health care facilities.

TABLE B
Average Maintained
Footcandles

Area	Ambient Light ¹	Task Light ₂
Adm and lobby, day	30	NA
Adm and lobby, night	20	NA
Barber, beautician	50	NA
Chapel, quiet area	30	NA
Corridors, interior ramps	30	NA
Corridors, at night		20
Dining areas	50	NA
Doorways, exterior	20	NA
Exam, treatment table	NA	100
Exam, treatment room	30	50
Exit stairways and landings	30	NA
Food preparation areas	50	75
Janitor's closet	30	NA
Laundry	30	50
Medicine prep area	30	100

PROPOSED

TABLE B
Average Maintained
Footcandles

Area	Ambient Light ¹	Task Light ²
Nurses' desk	30	70
Nurses' station, day	30	50
Nurses' station, night	20	50
Physical therapy	30	50
Resident room	30	50
Resident reading light	NA	75
Recreation area	30	50
Toilet, hand washing sinks, and mirrors	30	50
Toilet and bathing facilities, general	30	NA
Utility room, general	30	
Utility room, work counter	NA	50
Worktable, course work	30	70
Worktable, fine work	50	100

^{1/} Ambient light measurements are taken two and one-half feet from the floor (plus or minus six inches). Minimum footcandles are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each area, near the outer perimeter, and at a point equidistant from the center and the perimeter measurement.

^{2/} Task light measurements are taken at the work surface. Minimum footcandles for task light are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each work surface, near the outer perimeter of the work surface, and at a point equidistant from the center and the perimeter measurement.

NEW SECTION

WAC 388-97-36050 Night lights in new construction.

The nursing home must install in each resident room a night light that is:

- (1) Flush mounted on the wall;
- (2) Designed to prevent viewing the light source from thirty inches or more above the floor;
- (3) Designed to provide a maximum illumination level of 10 footcandles;
- (4) Located to provide safe pathway lighting for the staff and residents; and
- (3) Controlled by a switch at each resident room entrance door or by a master switch.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-97-36060 Switches in new construction.

The nursing home must install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

NEW SECTION

WAC 388-97-36070 Electrical outlets. (1) The nursing home must provide enough electrical outlets to meet the care and personal appliance needs of each resident. An approved power tap may be used only for portable appliances with specific overcurrent protection needs, such as a computer. A "power tap" is a device for indoor use consisting of an attachment plug on the end of a flexible cord and two or more receptacles on the opposite end, with overcurrent protection. A power tap must be:

- (a) Polarized or grounded;
 - (b) UL listed; and
 - (c) Directly connected to a permanently installed electrical outlet.
- (2) **In new construction**, the nursing home must ensure:
- (a) There are a minimum of seven outlets:
 - (i) Four hospital grade electrical outlets located convenient to each residents' bed and centered at forty to forty-four inches above the floor, with a minimum of:
 - (ii) Two additional electrical outlets at separate, convenient locations in each resident room; and
 - (iii) One duplex electrical outlet located adjacent to each handwashing sink intended for resident use.
 - (b) All electrical outlets located within five feet of any sink, toilet, bath, or shower are protected by a ground fault circuit interrupter.

SAFETY

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-365 Safety. The nursing home ((shall)) must provide ((the following)):

- (1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public; and
- (2) Signs to designate areas of hazard((;
- ~~(3) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information readily available to nursing home staff at all times;~~
- ~~(4) Poisons and other nonmedicinal chemical agents in containers identified with a warning label stored:~~
 - ~~(a) In a separate locked storage when not in use by staff; and~~
 - ~~(b) Separate from drugs used for medicinal purposes.~~
- ~~(5) Equipment and supplies stored in a manner to not jeopardize the safety of residents, staff, or the public;~~
- ~~(6) Handrails on each side of all corridors and stairwells accessible to residents;~~
- ~~(7) Electrical outlets available for the number of electrical appliances in use)).~~

NEW SECTION

WAC 388-97-36510 Safety related to poisons and nonmedical chemicals. The nursing home must ensure that poisons and nonmedicinal chemicals are stored in containers

PROPOSED

identified with warning labels. The containers must be stored:

- (1) In a separate locked storage when not in use by staff; and
- (2) Separate from drugs used for medicinal purposes.

NEW SECTION

WAC 388-97-36520 Safety related to storage of equipment and supplies. The nursing home must ensure that the manner in which equipment and supplies are stored does not jeopardize the safety of residents, staff, or the public.

NEW SECTION

WAC 388-97-36530 Safety related to handrails. The nursing home must:

- (1) Provide handrails on each side of all corridors and stairwells accessible to residents; and
- (2) **In new construction** ensure that:
 - (a) Ends of handrails are returned to the walls;
 - (b) Handrails are mounted thirty to thirty-four inches above the floor and project not more than three and three-quarters inches from the wall; and
 - (c) Handrails terminate not more than six inches from a door.

WATER SUPPLY

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-370 Water supply. (1) The nursing home ~~((shall))~~ **must** comply with the requirements of the Public Water Supply, chapter 246-290 WAC.

~~((2) The nursing home shall establish procedures to ensure that water is available to essential areas when there is a loss in normal water supply.~~

~~(3) The nursing home shall ensure the hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.~~

~~(4) The nursing home shall prohibit all cross-connections between potable and nonpotable water.~~

NEW SECTION

WAC 388-97-37010 Hot water. The nursing home must ensure:

- (1) The hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.
- (2) For laundry temperatures, refer to WAC 388-97-347.
- (3) For dishwashing temperatures, refer to chapter 246-215 WAC.

NEW SECTION

WAC 388-97-37020 Cross connections. The nursing home must:

(1) Prohibit all cross connections between potable and nonpotable water;

(2) Use backflow prevention devices on plumbing fixtures, equipment, facilities, buildings, premises or areas which are actual or potential cross-connections to prevent the backflow of water or other liquids, gases, mixtures or substances into a water distribution system or other fixtures, equipment, facilities, buildings or areas; and

(3) Follow guidelines, practices, procedures, interpretations and enforcement as outlined in the manual titled "Accepted Procedure and Practice in Cross-Connection Control; Pacific NW Edition; American Waterworks Association," or any successor manual, referenced in chapter 246-290 WAC for public water supply.

PEST CONTROL AND SEWAGE AND WASTE DISPOSAL

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-375 Pest control. ~~((1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70 (h)(4) will be deemed to meet this section.~~

~~(2))~~ The nursing home ~~((shall))~~ **must**:

(1) Maintain an effective pest control program so that the facility is free of pests such as rodents and insects;

(2) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

(3) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings that can be left open.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-385 Sewage and liquid waste disposal. The nursing home ~~((shall))~~ **must** ensure:

(1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or

(2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272 WAC and meets with the approval of the local health department and/or the state department of health.

NEW CONSTRUCTION DOCUMENTS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-400 ~~((Approval of plans))~~ **General new construction documents.** (1) ~~((PRELIMINARY PLANS.~~

~~(a) Narrative program. The sponsor for each construction project shall provide a narrative as part of the preliminary plans to the department of health with a copy to aging and adult services administration which identifies:~~

PROPOSED

(i) How the design promotes a homelike environment and facilitates resident-centered care and services;

(ii) Functional space requirements;

(iii) Staffing patterns;

(iv) Traffic patterns;

(v) Each function to be performed;

(vi) Types of equipment required; and

(vii) Services which will not be provided directly, but will instead be provided through contract.

(b) The plans and specifications for new construction shall be prepared by or under the direction of a Washington licensed architect or engineer, and be submitted in duplicate to the department of health. The plans shall be reviewed and approved as preliminaries by the department of health in coordination with aging and adult services administration prior to preparation of final plans. Refer to WAC 388-97-390(4), General, if the proposed project is not extensive enough to require professional architectural or engineering services.

(c) Preliminary plans shall be drawn to scale and shall include:

(i) Plot plan showing streets, entrance ways, driveways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(ii) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(iii) Each room, space, and corridor identified by function and number.

(d) Preliminary specifications shall include a general description of construction and materials, including interior finishes.

(2) FINAL CONSTRUCTION DOCUMENTS.

(a) Construction shall not commence until three sets of final plans drawn to scale with complete specifications have been submitted to and approved by the department of health in coordination with aging and adult services administration.

(b) Final construction documents shall be prepared, stamped, signed and dated by a licensed architect or engineer.

(c) These plans and specifications shall show complete details to be furnished to contractors for construction of the buildings, including:

(i) Plot plan;

(ii) Plans of each floor of the building, including fixed equipment;

(iii) Elevations, sections, and construction details;

(iv) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;

(v) Mechanical and electrical systems; and

(vi) Provision for noise, dust and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas.

(d) For buildings over four thousand square feet, a copy of the lead agency declaration of nonsignificance of environmental impact shall be submitted to the department of health as specified in chapter 248-06 WAC.

~~(3) PREINSTALLATION SUBMISSIONS shall be submitted to the department of health and approved prior to installation. Submissions shall include:~~

~~(a) Stamped shop drawings for fire sprinkler system;~~

~~(b) Shop drawings for fire detection and alarm systems; and~~

~~(c) If carpets are to be installed:~~

~~(i) A floor plan or finish schedule denoting areas to be carpeted;~~

~~(ii) Function of areas to be carpeted;~~

~~(iii) Coding with a key for carpet types;~~

~~(iv) A copy of a testing laboratory report of the floor radiant panel and smoke density tests; and~~

~~(v) A copy of the manufacturer's carpet specifications~~

~~(4) CONSTRUCTION TIMELINES. All construction shall take place in accordance with the approved final plans and specifications. Changes to plans must be reviewed and approved by the department of health in coordination with aging and adult services administration prior to incorporation into the construction project.~~

~~(a) If construction has not begun within one year from the date of approval, the plans must be resubmitted for review in accordance with current requirements.~~

~~(b) If construction is not completed within two years from the date of approval, the plans shall be resubmitted for approval of the remaining construction consistent with current requirements.~~

~~(c) To obtain an extension beyond two years, a written request shall be submitted and approved thirty days prior to the end of the two-year period)) The project sponsor must submit plans for all new construction to the department of health, construction review, for review and approval. Documents must be approved before the work begins. The project sponsor must also submit documents to department of health, certificate of need for review and applicable determination.~~

~~(2) The nursing home may request exemptions to new construction requirements as described in WAC 388-97-405.~~

~~(3) If the proposed project if not extensive enough to require professional architectural or engineering services, the project sponsor must submit a written description to the department of health, construction review, to determine if WAC 388-97-401 applies.~~

NEW SECTION

WAC 388-97-40010 Preliminary new construction documents. If preliminary documents and specifications are submitted, they must:

(1) Include a narrative program with drawings. Copies of these documents must be sent to the department of health, certificate of need and construction review, and to aging and adult services administration. The narrative program must identify:

(a) How the design promotes a homelike environment and facilitates resident-centered care and services;

(b) Functional space requirements;

(c) Staffing patterns;

(d) Each function to be performed;

(e) Types of equipment required; and

(f) Services that will not be provided directly, but will instead be provided through contract.

(2) Refer to WAC 388-97-400(3), if the proposed project is not extensive enough to require professional architectural or engineering services.

(3) Be drawn to scale and include:

(a) A site plan showing streets, entrance ways, drive-ways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(b) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(c) Each room, space, and corridor identified by function and number.

(4) Include a general description of construction and materials, including interior finishes.

NEW SECTION

WAC 388-97-401 Final new construction documents.

(1) Construction must not start until at least two sets of final construction documents drawn to scale with complete specifications have been submitted to and approved by the department of health, construction review, in coordination with aging and adult services administration and the department of health, certificate of need.

(2) A licensed architect or engineer must prepare, stamp, sign, and date the final construction documents.

(3) Construction documents that are changed after approval by the department of health, construction review, require resubmission before any construction on the proposed change is started.

(4) The construction of the facility must follow the final approved construction documents.

(5) These drawings and specifications must show complete details to be furnished to contractors for construction of the buildings, including:

(a) Site plan;

(b) Drawings of each floor of the building, including fixed equipment;

(c) Elevations, sections, and construction details;

(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types, and door finish hardware;

(e) Mechanical and electrical systems;

(f) Provision for noise, dust, smoke, and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas; and

(g) Landscape plans and vegetation planting schedules for dementia care units.

(6) Submit a reduced set of the final construction floor plans on eight and one half by eleven inch or eleven by seventeen inch sheets showing each room function and number.

NEW SECTION

WAC 388-97-402 Pre-installation submissions for new construction. The department of health, construction review, must receive and approve pre-installation submis-

sions prior to installation. Pre-installation submissions may include any or all of the following:

(1) Stamped shop drawings, hydraulic calculations, and equipment information sheets for fire sprinkler system(s);

(2) Shop drawings, battery calculations, and equipment information sheets for fire detection and alarm systems;

(3) Shop drawings and equipment information sheets for a kitchen hood and duct automatic fire extinguishing system;

(4) Drawings and equipment information sheets for special egress control devices; and

(5) Drawings and/or a finish schedule denoting areas to be carpeted with:

(a) A coding system identifying type of carpet in each area;

(b) A copy the manufacturer's specifications for each type of carpet; and

(c) A copy of a testing laboratory report of the radiant panel and smoke density tests for each type of carpet.

NEW SECTION

WAC 388-97-403 New construction timelines. (1)

Construction documents must be resubmitted for review as a new project according to current requirements if construction:

(a) Has not started within one year from the date of approval; or

(b) Is not completed within two years from the date of approval.

(2) To obtain an extension beyond two years, a written request must be submitted and approved thirty days prior to the end of the two-year period.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-405 Exemptions to new construction requirements. (1) The director of ~~((nursing home))~~ residential care services, aging and adult services administration, may grant exemptions to new construction requirements for:

(a) ~~((For))~~ Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) ~~((For))~~ Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home ~~((shall))~~ must ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home ~~((shall))~~ must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

**CODES AND STANDARDS
IN NEW CONSTRUCTION**

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-410 State building code in new construction. The nursing home ((~~shall~~)) must through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) The Uniform Building Code, and Uniform Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as ((~~chapters 51-20 and 51-21 WAC, or as hereafter amended~~)) chapter 51-40 WAC, or successor laws;

(2) The Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter ((~~51-22 WAC, or as hereafter amended~~)) 51-42 WAC, or successor laws;

(3) The Uniform Fire Code, and Uniform Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters ((~~51-24 and 51-25 WAC, or as hereafter amended~~)) 51-44 and 51-45 WAC, or successor laws;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters ((~~51-26 and 51-27 WAC, or as hereafter amended~~)) 51-46 and 51-47 WAC, or successor laws;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or ((~~as hereafter amended~~)) successor laws; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or ((~~as hereafter amended~~)) successor laws.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-415 Electrical codes and standards in new construction. The nursing home ((~~shall~~)) must ensure((+)) that all electrical wiring complies with state and local electrical codes including chapter 296-46 WAC, ((~~"Rules and regulations for installing electrical wires and equipment and administrative rules,"~~)) and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industry.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-420 Elevator codes in new construction. The nursing home ((~~shall~~)) must ensure that elevators are installed in accordance with chapter 296-81 WAC.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-425 Local codes and ordinances in new construction. The nursing home ((~~shall~~)) must:

(1) Follow all local ordinances relating to zoning, building, and environmental standards; and

(2) Obtain all local permits before construction and keep permits on file at the nursing home.

**ADMINISTRATION AND PUBLIC
AREAS IN NEW CONSTRUCTION**

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-430 ((~~Administration and public areas~~)) Entrances and exits in new construction. ((+)) **ENTRANCES AND EXITS**.) The nursing home ((~~shall~~)) must have the main entrances and exits sheltered from the weather and barrier free accessible in accordance with chapter ((~~51-20~~)) 51-40 WAC.

((~~2~~)) **LOBBY**. The nursing home shall have a lobby or area in close proximity to the main entrance which is accessible and which includes:

- (a) ~~Waiting space with seating accommodations;~~
- (b) ~~Reception and information area;~~
- (c) ~~Space to accommodate persons in wheelchairs;~~
- (d) ~~Public restroom;~~
- (e) ~~Drinking fountain; and~~
- (f) ~~Public telephone.~~

(~~3~~) **INTERVIEW SPACE**. The nursing home shall have interview spaces for private interviews relating to social service and admission.

(~~4~~) **OFFICES**. The nursing home shall provide:

(a) ~~Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;~~

(b) ~~Work space for physicians and outside consultants;~~

(c) ~~Space for locked storage of health records which provides for fire and water protection; and~~

(d) ~~Space for the safe storage and handling of financial and business records.~~

(~~5~~) **INSERVICE EDUCATION**. The nursing home shall provide space for employee inservice education that will not infringe upon resident space.

(~~6~~) **STAFF**. The nursing home shall ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.))

PROPOSED

NEW SECTION

WAC 388-97-43010 Lobbies in new construction.

The nursing home must have a lobby or area in close proximity to the main entrance that is barrier free accessible and includes:

- (1) Waiting space with seating accommodations;
- (2) Reception and information area;
- (3) Space to accommodate persons in wheelchairs;
- (4) Public restroom;
- (5) Drinking fountain; and
- (6) Public telephone.

NEW SECTION

WAC 388-97-43020 Interview space in new construction.

The nursing home must have interview spaces for private interviews relating to social service and admission.

NEW SECTION

WAC 388-97-43030 Offices in new construction. The nursing home must provide:

- (1) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;
- (2) Work space for physicians and outside consultants;
- (3) Space for locked storage of health records which provides for fire and water protection; and
- (4) Space for the safe storage and handling of financial and business records.

NEW SECTION

WAC 388-97-43040 Inservice education space in new construction. The nursing home must provide space for employee inservice education that will not infringe upon resident space.

NEW SECTION

WAC 388-97-43050 Staff areas in new construction. The nursing home must ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

VISITING, PRIVATE, AND OUTDOOR RECREATION SPACE AND WALKWAYS IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-455 (~~Required miscellaneous rooms and areas~~) **Visiting and private space in new construction.** ~~(((1) DINING ROOMS, DAYROOMS, ACTIVITY AREAS. In a new building or addition, the nursing home shall design dining rooms, dayrooms, and activity areas for~~

resident convenience and comfort and provide a homelike environment. The nursing home shall:

- ~~(a) Ensure these rooms or areas are exterior rooms with windows;~~
- ~~(b) Provide space for dining, day, and activity areas at a minimum of thirty square feet per bed for the first one hundred beds and twenty seven square feet per bed in excess of one hundred;~~
- ~~(c) Locate a day room adjacent to each resident care unit;~~
- ~~(d) Provide designated dining and activity spaces separate from each other and designed to prevent program interference with each other;~~
- ~~(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and~~
- ~~(f) Conveniently locate a common use toilet facility with lavatory near each dining, day, and activity room.~~

~~(2) VISITING AND PRIVATE SPACE. In a new building or addition,)) The nursing home ((shall)) must design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home ((shall)) must ensure these areas provide:~~

- ~~((a)) (1) Space which facilitates conversation and privacy; and~~
- ~~((b)) (2) Access to a common-use toilet facility.~~

~~((3) **OUTDOOR RECREATION SPACE AND WALKWAYS.** In a new building or addition, a nursing home shall provide a safe, protected outdoor area for resident use. The nursing home shall ensure the outdoor area has:~~

- ~~(a) Sufficient shaded and sheltered areas to meet the resident's needs;~~
- ~~(b) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes;~~
- ~~(c) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and~~
- ~~(d) Plants.~~

~~(4) **LAUNDRY STORAGE.** The nursing home shall ensure:~~

- ~~(a) Soiled linens and soiled clothing are stored and sorted in a separate well-ventilated, lighted enclosed room apart from washing and drying facilities that has self-closing doors. There shall be a handwashing facility and a floor drain in the room; and~~
- ~~(b) Clean linen is stored in a separate well-ventilated enclosed room apart from washing and drying facilities.~~

~~(5) **GENERAL STORAGE AREA.** A nursing home shall have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-445, Resident room.))~~

NEW SECTION

WAC 388-97-45510 Outdoor recreation space and walkways in new construction. A nursing home must provide a safe, protected outdoor area for resident use. The nursing home must ensure the outdoor area has:

- (1) Shaded and sheltered areas to meet residents needs;

(2) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;

(3) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids;

(4) Shrubs, natural foliage, and trees; and

(5) If used as a resident courtyard, the outdoor area must not be used for public or service deliveries.

POOLS AND PHARMACIES IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-460 ((Optional rooms and areas)) Pools in new construction. ~~(((1) DEMENTIA CARE UNIT. See WAC 388-97-350(1) and 388-97-095. In a new building or addition, the nursing home shall ensure a dementia care unit has:~~

~~(a) Dining areas which provides a minimum of twenty square feet per resident;~~

~~(b) A continuous ambulation route allowing the resident to return to the resident's starting point without reversing direction;~~

~~(c) Egress door control devices only when the security locking is approved by the state fire marshal and conform to the following requirements:~~

~~(i) A security locking system which meets the fire and life safety requirements of the Uniform Building Code and the state building code such as, but not limited to, an approved automatic fire alarm system and an approved supervised automatic sprinkler system which is electrically interconnected with the fire alarm system;~~

~~(ii) Exits from the dementia care unit and building shall release automatically with activation of the building fire alarm system. Exits shall include secured outdoor space and walkways, walls, or fences and/or ambulation areas;~~

~~(iii) Keyed locks are prohibited in any egress path;~~

~~(iv) Releasing devices of security locking systems shall be labeled with directions at the egress path doors;~~

~~(v) An override switch shall be installed at each staff work station or at a constantly attended location within the building to override all other mechanisms and unlock exit doors in the event of an emergency;~~

~~(vi) If primary power to the building is lost, all security locking systems shall automatically release;~~

~~(vii) A copy of the written approval of the security locking system from the local officials enforcing the Uniform building Code, Uniform Fire Code, and the state building code shall be on file at the nursing home.~~

(2) POOLS. The nursing home ((shall)) must ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC((-

(3) PHARMACY. The nursing home shall ensure an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapter 246-857 WAC)).

NEW SECTION

WAC 388-97-46010 Pharmacies in new construction. The nursing home must ensure that an on-site pharmacy meets the requirements of the Washington State board of pharmacy per chapters 18.64 RCW and 246-865 WAC.

GENERAL DESIGN REQUIREMENTS IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-465 ((General design requirements)) Elevators in new construction. ~~(((1) ACCESSIBLE. The nursing home shall be readily accessible to a person with disability.~~

~~(2) VECTOR CONTROL. The nursing home shall:~~
~~(a) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and~~

~~(b) Provide mesh screens or equivalent with a minimum mesh of one sixteenth inch on all windows and other openings which can be left open.~~

~~(3) ELEVATORS.~~) The nursing home ((shall)) must:
~~(((a)) (1) Ensure that all buildings having residential use areas or service areas that are not located on ((other than)) the main entrance floor ((with)), have an elevator((-~~
~~(b) Locate); and~~

~~(2) Have at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.~~

~~(((4) STAIRWAYS, RAMPS, AND CORRIDORS. The nursing home shall ensure stairways, ramps and corridors conform with the Uniform Building Code.~~

~~(5) HANDRAILS. The nursing home shall provide handrails along both sides of all resident use corridors. The nursing home shall ensure:~~

~~(a) Ends of handrails are returned to the walls;~~

~~(b) Handrails are mounted thirty-four to thirty-eight inches above the floor and project not more than three and one-half inches from the wall; and~~

~~(c) Handrails terminate not more than six inches from a door.~~

~~(6) DOORS. The nursing home shall ensure:~~

~~(a) Doors to resident rooms provide a minimum of forty-four inches clear width;~~

~~(b) Doors to resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;~~

~~(c) All doors to resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;~~

~~(d) Doors to toilet rooms and bathrooms have locks, and a means of unlocking doors from the outside;~~

~~(e) Doors to occupied areas not swing into corridors; and~~

~~(f) All passage doors are arranged so that doors do not open onto or obstruct other doors.~~

~~(7) FLOOR FINISHES. The nursing home shall ensure:~~

~~(a) Floors at all entrances have slip resistant finishes even when wet;~~

~~(b) All uncarpeted floors are smooth, nonabsorbent and easily cleanable;~~

~~(c) Coving. The nursing home shall ensure:~~

~~(i) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least four inches in height; and~~

~~(ii) All other wall junctions have either integral coving or top set base with toe.~~

~~(d) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding;~~

~~(e) Specifications for acceptable carpeting are:~~

~~(i) Pile yarn fibers are easily cleanable and meet the standards of NFPA 101, Life Safety Code;~~

~~(ii) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;~~

~~(iii) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas;~~

~~(iv) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas;~~

~~(v) Cemented to the floor; and~~

~~(vi) Edges covered and top set base with toe at all wall junctures.~~

~~(f) When recarpeting, the safety of residents shall be assured during and after recarpeting installation within room or area. The nursing home shall ensure the room or area is:~~

~~(i) Well ventilated;~~

~~(ii) Unoccupied; and~~

~~(iii) Unavailable for use until room is free of volatile fumes and odors.~~

~~(8) WALLS. The nursing home shall ensure:~~

~~(a) Wall finishes are easily cleanable; and~~

~~(b) A water resistant finish extending above the splash line in all rooms or areas subject to splash or spray, such as, bathing facilities, toilet rooms, janitors' closets, and can wash areas.~~

~~(9) ACCESSORIES. The nursing home shall provide the following accessories with the necessary backing for mounting:~~

~~(a) Suitable shelf or equivalent and mirror at each lavatory in toilet rooms, resident rooms and locker rooms;~~

~~(b) Towel bars and/or hooks at each lavatory in resident rooms and at each bathing facility. Towel bars shall meet grab bar standards;~~

~~(c) A robe hook at each bathing facility, toilet room and in examination room or therapy area;~~

~~(d) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;~~

~~(e) Sanitary seat covers, except where toilet seats are open front type;~~

~~(f) Dispensers for single use towels mounted to avoid contamination from splash and spray and located within reach of a person in a wheelchair;~~

~~(g) Suitable provision for dispensed handwashing soap at each lavatory, sink, and bathing facility;~~

~~(h) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and~~

~~(i) Grab bars easily cleanable and resistant to corrosion.~~

~~(10) MISCELLANEOUS. The nursing home shall ensure:~~

~~(a) Rooms and service areas are identified by visible and tactile signs; and~~

~~(b) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.)~~

NEW SECTION

WAC 388-97-46510 Stairways, ramps, and corridors in new construction. The nursing home must ensure stairways, ramps and corridors conform with the Uniform Building Code.

NEW SECTION

WAC 388-97-46520 Walking surfaces in a new building or addition. The nursing must ensure that:

(1) An abrupt change in the walking surface level including at door thresholds which are greater than one quarter inch are beveled to a one vertical in two horizontal; and

(2) Changes in the walking surface level greater than one half inch are accomplished by means of a ramp with a maximum slope of one vertical in twelve horizontal.

NEW SECTION

WAC 388-97-46530 Doors in new construction. The nursing home must ensure doors to:

(1) Resident rooms provide a minimum of forty-four inches clear width;

(2) Resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;

(3) All resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;

(4) Toilet rooms and bathrooms have single action locks, and a means of unlocking doors from the outside;

(5) Occupied areas do not swing into corridors; and

(6) All passages are arranged so that doors do not open onto or obstruct other doors while maintaining resident dignity.

NEW SECTION

WAC 388-97-46540 Floor finishes in new construction. The nursing home must ensure:

(1) Floors at all outside entrances have slip resistant finishes both inside and outside the entrance even when wet; and

(2) All uncarpeted floors are smooth, nonabsorbent and easily cleanable.

NEW SECTION**WAC 388-97-46550 Carpets in new construction.**

The nursing home must ensure that department of health, construction review approves of all carpet installation.

(1) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding. Specifications for acceptable carpeting are:

(a) Pile yarn fibers are easily cleanable and meet the standards of NFPA 101, Life Safety Code;

(b) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(c) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas. The formula for calculating the density of the carpet is:

Yarn weight in ounces x 36 = Ounces of cubic yards of density.

Pile height in inches

(d) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas;

(e) Cemented to the floor; and

(f) Edges covered and top set base with toe at all wall junctures.

(2) When recarpeting, the safety of residents must be assured during and after recarpeting installation within the room or area. The nursing home must ensure the room or area is:

(a) Well ventilated;

(b) Unoccupied; and

(c) Unavailable for use until room is free of volatile fumes and odors.

NEW SECTION

WAC 388-97-46560 Coving in new construction. The nursing home must ensure:

(1) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least six inches in height; and

(2) All other wall junctions have either integral coving or top set base with toe.

NEW SECTION

WAC 388-97-46570 Walls in new construction. The nursing home must ensure:

(1) Wall finishes are easily cleanable;

(2) A water-resistant finish extends above the splash line in all rooms or areas subject to splash or spray, such as bathing facilities with tubs only, toilet rooms, janitors' closets, and can-wash areas; and

(3) Bathing facilities with showers have a water-resistant finish extending to the ceiling.

NEW SECTION**WAC 388-97-46580 Accessories in new construction.**

The nursing home must provide the following accessories with the necessary backing, if required, for mounting:

(1) Usable countertop area and mirror at each handwashing sink in toilet rooms and resident rooms;

(2) Towel or robe hooks at each handwashing sink in resident rooms and at each bathing facility;

(3) A robe hook at each bathing facility, toilet room and in examination room or therapy area, including outpatient therapy rooms;

(4) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;

(5) Sanitary seat covers at each public and employee use toilet;

(6) Open front toilet seats on all toilets;

(7) Dispensers for paper towels and handwashing soap at each handwashing sink, and bathing facility;

(8) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and

(9) Grab bars that are easily cleanable and resistant to corrosion and securely mounted.

NEW SECTION

WAC 388-97-46590 Miscellaneous in new construction. The nursing home must ensure:

(1) Rooms and service areas are identified by visible and tactile signs, refer to WAC 388-97-35050(2) for possible exceptions; and

(2) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-470 Heating(~~(, ventilation, and air conditioning)~~) systems in new construction. ~~((+ HEATING SYSTEM.))~~The nursing home ~~((shall))~~ must ensure:

~~((a))~~ (1) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

~~((b))~~ (2) Resident rooms have individual temperature control, except in a dementia care unit controls may be covered, locked, or placed in an inconspicuous place;

~~((c))~~ (3) The following is insulated within the building:

~~((i))~~ (a) Pipes conducting hot water which are exposed to resident contact; and

~~((ii))~~ (b) Air ducts and casings with outside surface temperatures below ambient dew point.

~~((d))~~ (4) Insulation on cold surfaces includes an exterior vapor barrier; and

~~((e))~~ (5) Electric resistant wall heat units are prohibited in new construction.

~~((2) COOLING SYSTEM. The nursing home shall have:~~

~~(a) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and~~

~~(b) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.~~

~~(3) VENTILATION SYSTEM. The nursing home shall ensure:~~

~~(a) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;~~

~~(b) All inside habitable space is mechanically ventilated including:~~

~~(i) All air supply and air exhaust systems;~~

(ii) Installation of air handling duct systems which meet the requirements of the Uniform Mechanical Code and chapter 51-22 WAC;

(iii) Corridors are not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(iv) Room supply air inlets, recirculation, and exhaust air outlets are located not less than three inches above the floor. Exhaust outlets shall be near the ceiling; and

(v) Outdoor air intakes are located as far as practical, but a minimum of twenty-five feet, from the exhausts from any ventilating system, combustion equipment, or plumbing vent, or areas which may collect vehicular exhaust and other noxious fumes. The nursing home shall locate the bottom of outdoor air intakes serving central systems as high as practical but a minimum of three feet above grade level or, if installed through the roof, three feet above the roof level.

**TABLE A
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS**

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
Activities/Dining	E or P	2	4	Optional	Optional
Bathroom	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Optional	Optional
Clean workroom and clean holding	P	2	4	Optional	Optional
Dietary day storage	E or P	Optional	2		
Food prep center	E	2	8(10)	Yes	No
Isolation anteroom	NN	2	10	Yes	No
Isolation resident room	NN	2	2	Yes	No
Janitors' closet	N	Optional	10	Yes	No
Laundry, general	V	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Medicine prep room	P	2	4	Optional	Optional
Occupational therapy	N	2	6	Optional	Optional
Personal care room	N	2	8	Optional	Yes
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Resident area corridor	P	2	2	Optional	Optional
Resident room	E or N	2	2	Optional	Optional
Soiled linen sorting and storage	N	Optional	10	Yes	No
Soiled workroom and soiled holding	N	2	10	Yes	No
Speech and hearing unit	E or P	2	2	Optional	Optional
Sterilizer equipment room	N	Optional	10	Yes	No

TABLE A
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total ¹ Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
TB isolation resident room	NN	2	12 ²	Yes	No
TB isolation room anteroom	NN	2	12 ³	Yes	No
Toilet room and locker rooms	N	Optional	10	Yes	No
Treatment room	E or N	2	6	Optional	Optional
Warewashing room	N	Optional	8(10)	Yes	No

P=Positive N=Negative E=Equal V=May vary (-)=Recommended NN=Very negative

- ¹ The outdoor air quantities for central systems employing recirculating and serving more than a single area designation may be determined by summing the individual area quantity requirements rather than by providing the maximum listed ratio of outdoor air to total air. Maximum noise level caused by toilet room exhaust fans shall be fifty decibels on the A sound level as per ASHRAE Table 7.
- ² Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust fans is permissible.
- ³ TB isolation room: a minimum of six air changes may be permitted with a properly installed and maintained ultraviolet generator irradiation system. Fixture installation shall conform to the recommendation of the *Illuminating Engineering Society Handbook*, 5th edition, Section 25, "Ultraviolet Energy."

(c) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates shown in Table A as minimum acceptable balanced rates when these areas/rooms are a part of the nursing home. The nursing home shall ensure:

- (i) Exhaust hoods in food preparation centers and dish-washing areas have an exhaust rate not less than fifty cubic feet per minute per square foot of face area. "Face area" means the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces;
- (ii) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;
- (iii) Cleanout openings are provided every twenty feet in horizontal exhaust duct systems serving hoods;
- (iv) Installation of equipment for removal of smoke and grease laden vapors from cooking equipment comply with the Uniform Mechanical Code and chapter 51-22 WAC;
- (v) Kitchen ventilation are adequate to provide comfortable working temperatures;
- (vi) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety seven degrees Fahrenheit; and
- (vii) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(d) Individual exhaust systems:

(i) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room

lighting to ensure a ventilation while room is occupied. The ventilation fan shall be provided with a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off;

(ii) Air discharge openings through roofs or exterior walls are protected against entry of weather elements and foreign objects. Automatic louvers or backdraft dampers are installed; and

(iii) The volume of air removed from the space by exhaust ventilation are replaced directly or indirectly by an equal amount of tempered/conditioned air.

(e) Central exhaust systems. The nursing home shall ensure:

(i) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area;

(ii) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-20 WAC.

(f) Air filters. All central ventilation or air conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas. Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76. The filter bed is located upstream of the air conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream.

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed.

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~~(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential;~~

~~(iii) Humidifiers, if provided, are a steam type.;~~

NEW SECTION

WAC 388-97-47010 Cooling systems in new construction. The nursing home must have:

(1) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(2) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

NEW SECTION

WAC 388-97-47020 Ventilation systems in new construction. The nursing home must ensure:

(1) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;

(2) All habitable space is mechanically ventilated including:

(a) Air-supply and air-exhaust systems;

(b) Installation of air-handling duct systems according to the requirements of the Uniform Mechanical Code and chapter 51-42 WAC;

(c) Corridors not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(d) Installation of supply registers and return air grilles at least three inches above the floor;

(e) Installation of exhaust grilles on or near the ceiling; and

(f) Outdoor air intakes located a minimum of twenty-five feet from the exhaust from any ventilating system, combustion equipment, or areas which may collect vehicular exhaust and other noxious fumes, and a minimum of ten feet from plumbing vents. The nursing home must locate the bottom of outdoor air intakes serving central systems a minimum of three feet above adjoining grade level or, if installed through the roof, three feet above the highest adjoining roof level.

**TABLE 5
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES**

FUNCTION AREA	Pressure Relationship To Adjacent Areas ^{1,2}	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units
PATIENT CARE					
Isolation Room	N	2	12	Yes	No
Patient area corridor	±	Optional	2	Optional	Optional
Patient room	±	2	2	Optional	Optional
Toilet room	N	Optional	10	Yes	No
DIAGNOSTIC AND TREATMENT					
Clean workroom or clean holding	P	2	4	Optional	Optional
Examination room	±	2	6	Optional	Optional
Occupational therapy ³	N	2	3	Optional	Optional
Physical therapy ³	N	2	3	Optional	Optional
Soiled workroom or soiled holding	N	2	10	Yes	No
STERILIZING AND SUPPLY					
Clean linen storage	P	Optional	2	Yes	No
Laundry, general ³	±	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Sterilizer equipment room	N	Optional	10	Yes	No

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TABLE 5
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES

FUNCTION AREA	Pressure Relationship To Adjacent Areas ^{1,2}	Minimum Air	Minimum Total	All Air	Air Recirculated
		Changes of Outdoor Air Per Hour Supplied To Room	Air Changes Per Hour Supplied To Room	Exhausted Directly To Outdoors	Within Room Units
SERVICE					
Bathroom	N	Optional	10	Yes	No
Dietary day storage	±	Optional	2	Yes	No
Food preparation center ³	±	2	10	Yes	No
Janitor's closet	N	Optional	10	Yes	No
Warewashing room ³	N	Optional	10	Yes	No

^{1/} P=Positive N=Negative ±=Continuous directional control not required.

^{2/} Whether positive or negative, pressure must be a minimum of seventy cubic feet per minute (CFM).

^{3/} The volume of air may be reduced up to fifty percent in these areas during periods of nonuse. The soiled holding area of the general laundry must maintain its full ventilation capacity at all time.

(3) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates per ASHRAE 95 HVAC Applications Chapter 7.11 Table 5 Pressure Relationships and Ventilation of Certain Areas of Nursing Homes. The nursing home must ensure:

(a) Exhaust hoods in food preparation areas comply with the Uniform Mechanical Code;

(b) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;

(c) Kitchen ventilation is adequate to provide comfortable working temperatures;

(d) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat-producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit; and

(e) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(4) Individual exhaust systems.

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure ventilation while room is occupied. The ventilation fan must have a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off; and

(b) The volume of air removed from the space by exhaust ventilation is replaced directly or indirectly by an equal amount of tempered/conditioned air.

(5) Central exhaust systems. The nursing home must ensure:

(a) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area; and

(b) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-40 WAC.

(6) Air filters.

(a) All central ventilation or air-conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas;

(b) Central ventilation or air conditioning systems means any system serving more than a single room used by residents or by any group of rooms serving the same utility function (i.e., the laundry);

(c) Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76;

(d) The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream; and

(e) The nursing home must ensure:

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed;

(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential; and

(iii) Humidifiers, if provided, are a steam type.

PLUMBING AND FIXTURES
IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-480 ((~~Plumbing, fixtures~~)) **Handwashing sinks in new construction.** ((~~(1) LAVATORIES.~~)) The nursing home ((~~shall~~)) **must** provide ((~~lavatories~~)) **a hand-**

PROPOSED

washing sink in each toilet room ((except where provided in an adjoining single resident room, dressing room, or locker)) and exam room.

~~((2) DRINKING FOUNTAINS. Where drinking fountains are installed, the nursing home shall ensure the fountains are of the inclined jet, sanitary type.~~

~~(3) MIXING VALVES. The nursing home shall provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve.~~

~~(4) SPOUTS. The nursing home shall ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts.~~

~~(5) WRIST BLADES. The nursing home shall provide four inch wrist blade controlled faucets or their equivalent at all sinks and lavatories. The nursing home shall:~~

~~(a) Install the wrist blades to provide four inches clear in full open and closed position; and~~

~~(b) Color code and label faucet handles to indicate "hot" and "cold."~~

~~(6) BACKFLOW PREVENTION DEVICES. The nursing home shall:~~

~~(a) Provide backflow prevention devices on the water supply to fixtures or group of fixtures where extension hoses are installed or are anticipated to be installed; and~~

~~(b) Prohibit all cross connections.))~~

NEW SECTION

WAC 388-97-48010 Drinking fountains in new construction. Where drinking fountains are installed, the nursing home must ensure the fountains are of the inclined jet, sanitary type.

NEW SECTION

WAC 388-97-48020 Mixing valves in new construction. The nursing home must provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve.

NEW SECTION

WAC 388-97-48030 Spouts in new construction. The nursing home must ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts, without aerators in areas requiring infection control.

NEW SECTION

WAC 388-97-48040 Faucet controls in new construction. The nursing home must provide wrist blade, single-lever controls or their equivalent at all sinks and lavatories. The nursing home must:

(1) Provide at least four inch wrist blades and/or single-levers;

(2) Provide sufficient space for full open and closed operation; and

(3) Color-code and label faucet controls to indicate "hot" and "cold."

SUBCHAPTER III NURSING HOME LICENSE INITIAL LICENSE APPLICATION

NEW SECTION

WAC 388-97-550 Initial nursing home license. (1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the effective proposed date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is one hundred twenty-seven dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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LICENSE RENEWAL**NEW SECTION****WAC 388-97-555 Nursing home license renewal.** (1)

All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee or the current licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be:

(a) Made by the individual or entity currently licensed and responsible for the daily operation of the nursing home;

(b) Denied if any individual or entity named in the renewal application is found by the department to be unqualified.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable fee is one hundred twenty-seven dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

DEPARTMENT REVIEW OF LICENSE APPLICATIONS AND APPEALS**NEW SECTION**

WAC 388-97-560 Department review of initial nursing home license applications. (1) All initial nursing home license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will consider the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee, separately and jointly, in its review. The department will review:

(a) The information contained in the application;

(b) Survey and complaint investigation findings in every facility each individual and entity named in the application has been affiliated with during the past ten years;

(c) Compliance history;

(d) Financial assessments;

(e) Actions against the proposed licensee (i.e., revocation, suspension, refusal to renew, etc.);

(f) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. § 488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(g) Other relevant information.

(5) The department will notify the proposed licensee of the results of the review.

NEW SECTION

WAC 388-97-565 Department review of nursing home license renewals. (1) All renewal license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license renewal application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will review:

(a) The information contained in the application;

(b) Actions against the license (i.e., revocation, suspension, refusal to renew, etc.);

(c) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. § 488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(d) Other relevant information.

(5) The department will notify the current licensee of the results of the review.

NEW SECTION

WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. (1) The department may deny, suspend, revoke, or refuse to renew a nursing home license if the proposed or current licensee, or any partner, officer, director, managing employee, or owner of five percent or more of the proposed or current licensee of the nursing home has:

(a) Not complied with all the requirements established by chapters 18.51, 74.42, or 74.46 RCW and rules adopted thereunder;

(b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) Failed to meet financial obligations as the obligations fall due in the normal course of business;

(j) Been convicted of a felony, other than a felony that is a "crime against children or other persons," or a "crime relating to financial exploitation" as defined in RCW 43.43.830, if the crime reasonably relates to the competency of the individual to own or operate a nursing home;

(k) Failed to provide any authorization, documentation, or information the department requires in order to verify information contained in the application; or

(l) Failed to verify additional information the department determines relevant to the application.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, or owner of five percent or more of the proposed or current licensee of the nursing home, has been affiliated with in the past ten years.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, or owner of five percent or more of the applicant of the nursing home, has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;

(b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or an individual with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or

(g) Found to have abused, neglected, or mistreated residents or misappropriated their property, and that finding has been entered on a nursing assistant registry.

NEW SECTION

WAC 388-97-575 Appeal of the department's licensing decision. (1) A proposed or current licensee contesting a department licensing decision must file a written request for an adjudicative proceeding within twenty days of receipt of the decision.

(2) Adjudicative proceedings will be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065, 43.20A.205, WAC 388-98-750, and chapters 388-08 and 388-97 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision of this chapter will govern.

MANAGEMENT AGREEMENTS AND CHANGES OF OWNERSHIP

NEW SECTION

WAC 388-97-580 Management agreements. (1) If the responsibilities given to the manager by the management agreement are so extensive that the licensee is relieved of responsibility for the daily operations of the facility, then the department must determine that a change of ownership has occurred.

(2) The proposed licensee or the current licensee must notify the residents and their representatives:

(a) Sixty days before entering into a management agreement; and

(b) Thirty days before amending an existing management agreement.

(3) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

(a) Sixty days before the proposed change of ownership date as part of the initial license application or any change of ownership;

(b) Sixty days before the effective date when submitted by the current licensee; or

(c) Thirty days before the effective date of any amendment to an existing management agreement.

(4) Management agreements must:

(a) Create a principal/agent relationship between the licensee and the manager;

(b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

PROPOSED

(c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable rules and regulations; and

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements.

(5) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection (4)(f).

(6) The department may monitor the licensee's and manager's compliance with the terms of the management agreement and take any action deemed appropriate.

NEW SECTION

WAC 388-97-585 Change of ownership. (1) A change of ownership occurs when there is a substitution of the operator or operating entity responsible for the daily operational decisions of the nursing home, or a substitution of control of such operating entity. Events which constitute a change of ownership include, but are not limited to, The following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(c) Dissolution or consolidation of the entity, or merger if the licensee does not survive the merger;

(d) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders);

or

(ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or

(e) Any other event or combination of events that results in a substitution or substitution of control of the operator or the operating entity responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise as the licensee's agent (i.e., as provided in WAC 388-97-575); or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the operator or operating entity.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information:

(a) Name of the current licensee and proposed licensee;

(b) Name and address of the nursing home being transferred; and

(c) Date of proposed transfer.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

LICENSED BED CAPACITY, RELOCATION OF RESIDENTS AND LICENSE RELINQUISHMENT

NEW SECTION

WAC 388-97-590 Licensed bed capacity. A nursing home must not be licensed for a capacity that exceeds the number of beds permitted under:

(1) This chapter;

(2) Chapter 70.38 RCW and regulations thereunder; or

(3) Applicable local zoning, building or other such regulations.

NEW SECTION

WAC 388-97-595 Relocation of residents. (1) In the event of license revocation or suspension, decertification, or other emergency closures the department must:

(a) Notify residents and, when appropriate, resident representatives of the action; and

(b) Assist with residents' relocation and specify possible alternative living choices and locations.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicare and/or Medicaid contract:

(a) The nursing home must:

- (i) Send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and to all residents and resident representatives; and
- (ii) Provide appropriate discharge planning and coordination for all residents.
- (b) The department may provide residents assistance with relocation.

NEW SECTION

WAC 388-97-600 License relinquishment. (1) A nursing home licensee must voluntarily relinquish its license when:

- (a) The nursing home ceases to do business as a nursing home; and
- (b) Within twenty-four hours after the last resident is discharged from the facility.
- (2) The license must be returned to the department.
- (3) If a nursing home licensee fails to voluntarily relinquish its license, the department will revoke the license.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-97-010 License—Application.
- WAC 388-97-015 License—Qualification.
- WAC 388-97-020 Nursing home fees.
- WAC 388-97-025 License capacity.
- WAC 388-97-030 Change of ownership.
- WAC 388-97-035 Change in administrator or director of nursing services.
- WAC 388-97-040 Name of nursing home.
- WAC 388-97-045 License relinquishment upon closure.
- WAC 388-97-050 License denial, modification, nonrenewal, revocation.
- WAC 388-97-070 Resident rights.
- WAC 388-97-080 Quality of life.
- WAC 388-97-095 Dementia care unit.
- WAC 388-97-100 Discharge planning.
- WAC 388-97-105 Relocation due to decertification, license revocation closure, evacuation.
- WAC 388-97-145 Early identification of persons with active tuberculosis.
- WAC 388-97-150 Surveillance and management of tuberculosis.
- WAC 388-97-200 Criminal history disclosure and background inquiries.

- WAC 388-97-210 Respite services.
- WAC 388-97-215 Adult day or night care.
- WAC 388-97-225 Nursing facility care.
- WAC 388-97-230 Discrimination prohibited.
- WAC 388-97-235 Medical eligibility for nursing facility care.
- WAC 388-97-240 Nursing facility admission.
- WAC 388-97-245 Pre-admission screening.
- WAC 388-97-250 Identification screening for current residents.
- WAC 388-97-255 Pre-admission screening and annual resident review (PASARR).
- WAC 388-97-265 Utilization review.
- WAC 388-97-270 Individual transfer and discharge rights, procedures, appeals.
- WAC 388-97-275 Resident assessment instrument.
- WAC 388-97-280 Discharge or leave of a nursing facility resident.
- WAC 388-97-300 Fire standards and approval.
- WAC 388-97-305 Other standards.
- WAC 388-97-320 Space and equipment.
- WAC 388-97-380 Maintenance and repair.
- WAC 388-97-390 General.
- WAC 388-97-395 Design requirements.
- WAC 388-97-435 Resident care unit.
- WAC 388-97-440 Resident rooms.
- WAC 388-97-445 Resident room equipment.
- WAC 388-97-450 Resident toilet and bathing facilities.
- WAC 388-97-475 Electrical.

**WSR 00-01-005
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed December 2, 1999, 9:33 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 99-18-127.
Title of Rule: Chapter 308-56A WAC, Manufactured home certificates of ownership.
Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

PROPOSED

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 65.20.110.

Summary: Amending WAC 308-56A-500 Definitions and 308-56A-505 Elimination of manufactured home title—Eligibility; and repealing WAC 308-56A-510 Elimination of manufactured home title—Application, 308-56A-515 Elimination of manufactured home title—When perfected, and 308-56A-520 Elimination of manufactured home title—Fees.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, 902-3811.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on January 27, 2000, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by January 26, 2000, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by January 26, 1999 [2000].

Date of Intended Adoption: February 18, 2000.

December 1, 1999

Deborah McCurley

Administrator

Title and Registration Services

AMENDATORY SECTION (Amending WSR 90-11-091, filed 5/18/90, effective 6/18/90)

WAC 308-56A-500 Definitions. The definitions set forth in RCW 65.20.020 shall apply to ~~((sections 505 through 520 of this chapter))~~ WAC 308-56A-505.

AMENDATORY SECTION (Amending WSR 90-11-091, filed 5/18/90, effective 6/18/90)

WAC 308-56A-505 Elimination of manufactured home title—Eligibility. (1) ~~((Any manufactured home purchased or having all ownership transferred to new owners~~

~~after March 1, 1990, may have the title eliminated or not issued under chapter 46.12 RCW by perfecting ownership as real property pursuant to chapter 65.20 RCW.~~

~~(2) Any existing manufactured home affixed to land owned by the homeowner on March 1, 1990, or thereafter may have the title issued under chapter 46.12 RCW eliminated by perfecting ownership as real property pursuant to chapter 65.20 RCW.)~~ When may I eliminate the vehicle title on my manufactured home? You may eliminate the vehicle title on your manufactured home provided you own the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) How do I apply to eliminate the vehicle title on my manufactured home? All applications to eliminate or not issue title under chapter 46.12 RCW, and perfect ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) What conditions apply when I request title elimination? When requesting title elimination for your manufactured home, the following is required:

(a) Manufactured homes shall be affixed to land prior to applying for title elimination under chapter 65.20 RCW.

(b) In the event a manufactured home is in the process of being affixed to the land but is not completed, a certification from the issuing authority as described in RCW 65.20.040(3) will be accepted.

(4) How do I perfect my manufactured home title elimination? To perfect your manufactured home title elimination you shall:

(a) Record the approved manufactured home title elimination application at the county recording office as provided in RCW 65.20.050;

(b) Present the recorded manufactured home title elimination application to the department for processing; and

(c) Receive a confirmation letter from the department that your manufactured home title has been eliminated.

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) What are the fees for elimination of a manufactured home title? The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) Fees as provided in RCW 59.22.080.

(d) A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-56A-510 Elimination of manufactured home title—Application.
- WAC 308-56A-515 Elimination of manufactured home title—When perfected.
- WAC 308-56A-520 Elimination of manufactured home title—Fees.

**WSR 00-01-021
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed December 6, 1999, 11:00 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-053.

Title of Rule: WAC 308-125-200.

Purpose: Incorporation by reference of the 2000 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized national organized standards of real estate appraisal. Incorporation by reference is required because to incorporate the whole text would be unduly cumbersome and expensive.

Statutory Authority for Adoption: RCW 18.140.030(16), 18.140.030(17).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: Incorporate the 2000 edition of the Uniform Standards of Professional Appraisal Practice into WAC 308-125-200.

Reasons Supporting Proposal: That real estate appraisals in Washington be performed in accordance with current generally accepted appraisal standards as evidenced by the most recent amendments to appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This is required by Section 1110, Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989 (12 U.S.C. 3339).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 753-1062.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-125-200 will incorporate by reference the 2000 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change

only adopts the current edition of the Uniform Standards of Professional Appraisal Practice.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2 Conference Room, Olympia, WA, on Tuesday, January 25, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by January 20, 2000, TDD (369) [(360)] 753-1966, or (360) 753-1062.

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 753-1062, fax (360) 586-0998.

Date of Intended Adoption: January 25, 2000.

December 3, 1999

Cleotis Borner, Jr.
Program Manager

AMENDATORY SECTION (Amending WSR 99-04-074, filed 2/2/99, effective 3/5/99)

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the ((+999)) 2000 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

**WSR 00-01-045
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed December 8, 1999, 10:44 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-112.

Title of Rule: Chapter 308-56A WAC.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110 and 46.12.030.

Summary: Amending WAC 308-56A-620 Definitions, and 308-56A-640 Odometer disclosure statement; and repealing WAC 308-56A-610 Odometer disclosure statement—General procedures/requirements, 308-56A-650 Odometer disclosure statement—Leased vehicles, 308-56A-

PROPOSED

660 Odometer disclosure statement—Involuntary divestiture, 308-56A-670 Odometer disclosure statement—Dealer auction companies, 308-56A-680 Odometer disclosure statement—Out-of-state vehicles, and 308-56A-690 Odometer disclosure statement—Forms.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on February 2, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by February 1, 2000, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by February 1, 2000.

Date of Intended Adoption: February 23, 2000.

December 7, 1999

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 97-14-034, filed 6/25/97, effective 7/26/97)

WAC 308-56A-620 Definitions. ~~((Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:))~~

(1) **What does "transferee" mean on odometer disclosure statements?** "Transferee" means a person to whom a motor vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee.

(2) **What does "transferor" mean on odometer disclosure statements?** "Transferor" means a person who transfers ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest and any

person who, as agent, signs an odometer disclosure statement for the transferor.

(3) **What does "involuntary divestiture" mean on odometer disclosure statements?** "Involuntary divestiture" means a change in vehicle ownership without the ((registered)) owner's ((involvement)) voluntary consent resulting from a proceeding in insolvency, attachment, levy or otherwise, whereby the owner is deprived of his or her ownership interest in the vehicle.

AMENDATORY SECTION (Amending WSR 97-14-034, filed 6/25/97, effective 7/26/97)

WAC 308-56A-640 Odometer disclosure statement~~((—Vehicle dealer transactions)). ((1) Vehicle dealers must obtain odometer disclosure statements from the transferor of the vehicle. A second odometer disclosure statement must be completed by the vehicle dealer as transferor at the time of wholesale or retail sale:~~

~~(2) Vehicle dealers must maintain records of completed odometer disclosure statements on dealer to dealer vehicle reassignments—~~

~~(3) If the certificate of ownership is unsecure, only the transferor odometer disclosure statement must accompany the application for certificate of ownership at the time of retail sale:~~

~~(4) Odometer disclosure statement records must be kept by the vehicle dealer for five years.)~~ (1) **When is an odometer disclosure statement required?** An odometer disclosure statement must be completed and submitted with every application for certificate of ownership as required by RCW 46.12.124 and 49 Code of Federal Regulations, unless specifically exempted.

(2) **May a power of attorney be used to disclose the mileage of a vehicle?** The transferee may give a power of attorney to a disinterested third party for the purpose of odometer disclosure.

A secure power of attorney, power of attorney designated under chapter 11.94 RCW or other power of attorney approved by the department may be used with an odometer disclosure statement with the following limitations:

(a) The transferor may not give power of attorney to the transferee of the same vehicle for the purpose of odometer disclosure;

(b) The transferee may not give a power of attorney to the transferor of the same vehicle for the purpose of odometer disclosure;

(c) A power of attorney may not be used to complete another power of attorney for the purposes of odometer disclosure.

(3) **What odometer disclosure statement forms will the department accept?** Odometer disclosure statement forms approved by the department include, but are not limited to:

(a) An odometer disclosure statement on a certificate of ownership issued by any jurisdiction which complies with the Federal Truth in Mileage Act; or

(b) The odometer disclosure/title extension statement; or

(c) A form issued/approved by a foreign jurisdiction which satisfies the provisions of RCW 46.12.124 or the Federal Truth in Mileage Act.

(4) When is an odometer disclosure/title extension statement used? An odometer disclosure/title extension statement is a form used:

(a) With a certificate of ownership when an odometer disclosure statement is required;

(b) If the certificate of ownership is unavailable; or

(c) If all reassignments on the certificate of ownership are full.

(5) When must a vehicle dealer process an odometer disclosure statement as a transferee? A vehicle dealer must process an odometer disclosure statement as a transferee and obtain the signature of the transferor when taking a vehicle in on trade, purchase, or otherwise acquiring a vehicle.

(6) When must a vehicle dealer process an odometer disclosure statement as a transferor? The vehicle dealer must complete an odometer disclosure statement as transferor when selling a vehicle at either wholesale or retail.

(7) How is mileage disclosed when a vehicle is sold through an auction company? The seller/consignor signs as the transferor and the successful bidder/buyer signs as the transferee.

(8) How long must vehicle dealer and auction companies maintain odometer disclosure statements? The vehicle dealer or vehicle dealers doing business as an auction company must keep all odometer disclosure statement records for five years.

(9) Can one vehicle dealer representative sign as transferee and transferor for the same transaction? No. One person cannot represent both the transferor and transferee for the purposes of odometer disclosure.

(10) When are odometer statements needed for leased vehicles? Odometer statements are needed for leased vehicles when establishing and terminating a lease. The lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide to the lessor a written odometer disclosure statement at the termination of the lease. That notice may be given any time after execution of the lease contract and prior to the termination of the lease or transfer of ownership.

(a) When establishing a lease, the dealer or other transferor must disclose the mileage to the lessee on a written odometer statement, and the lessee must acknowledge the written odometer statement as the transferee.

(b) When terminating a lease, the lessee as the transferor must disclose the mileage to the lessor and provide the lessor with a copy of the odometer disclosure statement.

(c) The lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

(11) Who discloses the mileage on the odometer disclosure statement on a lease buyout? The lessee shall disclose the mileage on the odometer disclosure statement as transferee if the lessee purchases the vehicle at the termination of the lease. A transferor signature is not required on the

odometer disclosure statement when submitted with the application for certificate of ownership.

(12) Is an odometer statement required when there is involuntary divestiture? Yes. If the interest of an owner in a vehicle passes to another through involuntary divestiture, an odometer disclosure statement must be completed under RCW 46.12.124 and the rules under 49 Code of Federal Regulations.

(13) When a vehicle is acquired by involuntary divestiture, are there any circumstances that may allow odometer disclosure statements to be completed by transferee only? Yes. Circumstances that may allow odometer disclosure statements to be completed by transferee only include, but are not limited to:

(a) Auction sale of an abandoned vehicle by a registered tow truck operator;

(b) Chattel/landlord lien;

(c) Court order;

(d) Divorce;

(e) Estate liquidation;

(f) Repossession;

(g) Seized vehicle;

(h) Sheriff sale.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-56A-610	Odometer disclosure statement—General procedures/requirements.
WAC 308-56A-650	Odometer disclosure statement—Leased vehicles.
WAC 308-56A-660	Odometer disclosure statement—Involuntary divestiture.
WAC 308-56A-670	Odometer disclosure statement—Dealer auction companies.
WAC 308-56A-680	Odometer disclosure statement—Out-of-state vehicles.
WAC 308-56A-690	Odometer disclosure statement—Forms.

**WSR 00-01-059
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed December 10, 1999, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-18-131.

Title of Rule: Chapter 308-88 WAC, Rental car taxation and licensing.

PROPOSED

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rule and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-88-020 Registration of rental car business; and repealing WAC 308-88-010 Definitions, 308-88-030 Application for registration, 308-88-040 Issuance of rental car business registration, 308-88-050 Waiver of business registration requirements, and 308-88-170 Rental car registered in another jurisdiction—Temporary operating authority for Washington.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, 902-3811.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room, 1125 Washington Street S.E., Olympia, WA 98507, on February 17, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by February 16, 2000, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by February 16, 2000.

Date of Intended Adoption: February 23, 2000.

December 10, 1999

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 93-01-066, filed 12/11/92, effective 1/11/93)

WAC 308-88-020 Application and registration of rental car businesses. ~~((A rental car business engaged in the business of renting rental cars must register with the department and renew its registration annually. The rental car business will be assigned a business registration number, which will exempt the payment of the motor vehicle excise tax on properly registered rental cars. The rental car business shall comply with all department of revenue rules regarding col-~~

~~lection of the applicable taxes.))~~ **(1) What is the definition of a "place of business"?** For the purposes of this section: "Place of business" means a street address location within the state of Washington.

(2) What is the first step in becoming a rental car business? Applicants shall complete an application supplied by master licensing service.

(3) What information is required for application as a rental car business? Every complete application for a rental car business shall require:

(a) The business name and address of the principal place of business of the applicant.

(b) The business name and address on the application and all required supporting documents must be the same.

(c) Evidence that the corporation is authorized to do business in this state.

(4) What will I receive as proof that I qualified as a rental car business? Master licensing service's will assign you a rental car Washington tax registration number and a Unified Business Identifier (UBI) number if none has been previously issued.

(5) How will I register my rental car vehicles? Vehicle registration and annual renewals shall be made to the department of licensing.

(6) Can I transfer my business registration number to another company? No. The registration number issued by the master licensing service is not assignable or transferable, and is valid only for the rental car business in whose name it is issued. The name of the legal or registered owner of all rental cars rented by a retail rental car business recorded on the vehicle's registration must be identical to the business name of the retail rental car business as was stated on the retail rental car business registration application submitted to the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-88-010 Definitions.
- WAC 308-88-030 Application for registration.
- WAC 308-88-040 Issuance of rental car business registration.
- WAC 308-88-050 Waiver of business registration requirements.
- WAC 308-88-170 Rental cars registered in another jurisdiction—Temporary operating authority for Washington operations.

PROPOSED

WSR 00-01-060

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed December 10, 1999, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-054.

Title of Rule: Chapter 308-56A WAC.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110 and 46.12.070.

Summary: Repealing WAC 308-58-010 Definitions, 308-58-020 Method of reporting destruction, 308-58-030 Sale of salvage, 308-58-040 Salvage vehicles rebuilt, and 308-58-050 Destroyed vehicle retitled; and amending WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Evelyn Barker, 1125 Washington Street S.E., Olympia, 902-3680.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room, 1125 Washington Street S.E., Olympia, WA 98507, on February 16, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by February 15, 2000, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by February 15, 2000.

Date of Intended Adoption: February 23, 2000.

December 10, 1999

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 92-15-024, filed 7/6/92, effective 8/6/92)

WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt. ~~((1) Any vehicle reported as destroyed pursuant to WAC 308-58-020 (1) or (2) that will be operated on any public road or highway, must be issued a new certificate of ownership and registration. The application for a new title shall include a Washington state patrol inspection and a bill of sale from:~~

~~(a) The insurance company that declared the vehicle a total loss, less salvage value; or~~

~~(b) A motor vehicle wrecker; or~~

~~(c) The last registered owner of record with the department.~~

~~(2) When the last registered owner retains a vehicle that is reported destroyed, the owner must apply for a new certificate of ownership before operating the vehicle upon a public road or highway. The application for title must include a Washington state patrol inspection and a bill of sale as provided in subsection (1) of this section.~~

~~(3) Regular license plates assigned to a destroyed vehicle may be transferred to a new owner of the vehicle. Fees will be charged for a reissue of title and for an expired registration. If the owner of record retains the vehicle, a fee will be charged for reissue of title and for an expired registration. The license plates may be retained.~~

~~(4) Before a vehicle dealer may sell a destroyed vehicle under their vehicle dealer license, the dealer must:~~

~~(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and~~

~~(b) Obtain a Washington state patrol inspection; and~~

~~(c) Apply for and receive a certificate of title for the vehicle, issued in the name of the vehicle dealer.) (1) **What is a destroyed or wrecked vehicle? For the purposes of this section:**~~

~~(a) A destroyed vehicle means vehicles of any age that have been reported wrecked or destroyed by the owner, licensed wrecker, scrap processor or insurance company and includes salvage vehicle as defined in RCW 46.12.005; and~~

~~(b) A wrecked vehicle is defined in RCW 46.80.010(6).~~

~~(2) **Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department? Destroyed vehicles may be reported to the department by:**~~

~~(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:~~

~~(i) An insurance company in possession of a certificate of ownership to a destroyed vehicle submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss; or~~

~~(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section).~~

~~(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is~~

PROPOSED

"DESTROYED" and, the date of loss. The document shall be submitted to the department.

(c) Other owners (owner destroyed); and

A vehicle is considered destroyed by an individual when:

(i) The individual submits to the department the certificate of ownership, properly released by the registered and/or legal owner(s), when applicable, and indicates on the face of the ownership document "DESTROYED," the date and location of destruction on the front of the certificate of ownership; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection; and

(iii) A written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090.

(3) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle? After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The bill of sale must be signed by the owner and the owner's signature must be notarized.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

(4) When is an insurance claim considered settled? For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

(5) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle? Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

(6) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked? Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(7) What does "REBUILT" mean on a Washington certificate of ownership? The "REBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.010(4) and the vehicle has been rebuilt and inspected under RCW 46.12.030.

(8) For a vehicle described in subsection (7) of this section, will the certificate of ownership and registration always indicate "REBUILT"? Yes, the certificate of ownership and registration shall prominently display a "REBUILT" designation on the front of the document. This designation will continue to appear on every subsequent certificate of ownership and registration issued for this vehicle.

(9) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation is required to get a certificate of ownership? The documentation required to apply for a certificate of ownership after the vehicle's destruction is:

(a) All other documents required by chapters 46.01 and 46.12 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

(d) An odometer statement, if applicable.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-58-010	Definitions.
WAC 308-58-020	Method of reporting destruction.
WAC 308-58-030	Sale of salvage.
WAC 308-58-040	Salvage vehicles rebuilt.
WAC 308-58-050	Destroyed vehicle retitled.

PROPOSED

WSR 00-01-078

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**
(By the Code Reviser's Office)
[Filed December 14, 1999, 9:53 a.m.]

WAC 173-400-030, 173-400-040, 173-400-060, 173-400-070, 173-400-075, 173-400-104 and 173-400-115, proposed by the Department of Ecology in WSR 99-12-096 appearing in issue 99-12 of the State Register, which was distributed on June 16, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-01-079

**WITHDRAWAL OF PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE**
(By the Code Reviser's Office)
[Filed December 14, 1999, 9:53 a.m.]

WAC 284-43-340, proposed by the Insurance Commissioner's Office in WSR 99-12-106 appearing in issue 99-12 of the State Register, which was distributed on June 16, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-01-080

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**
(By the Code Reviser's Office)
[Filed December 14, 1999, 9:53 a.m.]

WAC 173-153-100, proposed by the Department of Ecology in WSR 99-12-109 appearing in issue 99-12 of the State Register, which was distributed on June 16, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-01-081

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(By the Code Reviser's Office)
[Filed December 14, 1999, 9:54 a.m.]

WAC 388-408-0035, proposed by the Department of Social and Health Services in WSR 99-12-120 appearing in issue 99-12 of the State Register, which was distributed on June 16, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-01-089

**PROPOSED RULES
PUBLIC WORKS BOARD**
[Filed December 15, 1999, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-017.

Title of Rule: Ethics in public service, chapter 399-50 WAC.

Purpose: To establish standards for conduct of the board's business under chapter 42.52 RCW.

Statutory Authority for Adoption: RCW 43.155.040(4).
Statute Being Implemented: Chapter 42.52 RCW.

Summary: The board proposes to adopt rules for conducting business under the state laws dealing with ethics in public service. The proposed rule(s) will constitute a new chapter in Title 399 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pete Butkus, P.O. Box 48319, Olympia, WA 98504, (360) 586-7186.

Name of Proponent: Washington State Public Works Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed chapter 399-50 WAC has already been reviewed by the Washington State Executive Ethics Board.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will set forth specific standards for board member actions under chapter 42.52 RCW, provide examples of how to meet the ethical standards, and implement chapter 42.52 RCW as it pertains to the board.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no small business impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

PROPOSED

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, International Boulevard, SeaTac, WA, on February 1, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Receptionist, by noon, Wednesday, January 26, 2000, TDD (360) 586-4224.

Submit Written Comments to: Pete Butkus, Executive Director, Public Works Board, P.O. Box 48319, Olympia, WA 98504-8319.

Comment period closes at noon on Wednesday, January 26, 2000.

Date of Intended Adoption: February 1, 2000.

December 15, 1999

Pete A. Butkus

Executive Director/Rules Coordinator

NEW SECTION

WAC 399-50-010 Definitions. (1) Unless another definition is given, words used in this chapter have the same meaning as in chapter 42.52 RCW, Ethics in public service.

(2) "Annual construction roster" means the prioritized list of projects recommended for funding, which is developed and submitted to the legislature before November 1 of each year under RCW 43.155.070(4).

(3) "Beneficial interest" means the right to enjoy profit, benefit, or advantage from a contract or other property and also has the meaning given to it in Washington case law. Ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(4) "Project" means public works project as defined in RCW 43.155.020(5).

NEW SECTION

WAC 399-50-020 Interest in contracts, projects, or loans. (1) When a member of the public works board is beneficially interested, directly or indirectly, in a contract, project, or loan that may be made by, through, or under the supervision of the board, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, project, or loan, the member shall:

(a) Recuse him or herself from board discussion regarding the specific contract, project, or loan;

(b) Recuse him or herself from the board vote on the specific contract, project, or loan; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, project, or loan.

(2) The prohibition against discussion set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, project, or loan

when the other person bids, applies for, or otherwise seeks to be awarded the contract, project, or loan.

(4) Nothing in this section prohibits a board member from voting on or discussing the annual construction roster or other aggregated list of ten or more contracts, projects, or loans, or from discussing methods of prioritizing such rosters or lists. However, a board member must disclose to the public any interest he or she otherwise has in contracts, projects, or loans on such a roster or list at the time it is considered by the board.

Example 1

Board member Sam Jones is an engineering consultant. Jones performs consulting work on a regular basis for the Evergreen County public works department. The board is asked to approve an emergency public works loan for Evergreen County. Jones should recuse himself from voting on or discussing this action because he receives compensation from a "person" (Evergreen County) beneficially interested in the proposed loan.

Example 2

Board member Ima Kozy is the President and CEO of a firm that constructs roads and utilities. The board is asked to approve a list of loans for nine construction projects in various locations around the state. One of the projects is in the City of Destiny, where Ima's firm frequently responds to solicitation for bids. If Ima wants her firm to be able to bid on the Destiny project, she should recuse herself from voting on this list or discussing this action.

If Ima does vote to approve the list or participates in discussing it, she will be prohibited by RCW 42.52.030 from receiving a direct or indirect beneficial interest in the loan contract to Destiny, or from accepting compensation from another person beneficially interested in the contract. Thus, neither she nor her firm may bid on the project.

NEW SECTION

WAC 399-50-030 Interest in transactions. (1) When a member of the public works board either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other

determination, contract, project or proposed project, loan, claim, case, or other similar matter that the member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
- (ii) Is one to which the board is or will be a party; or
- (iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rulemaking is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) Nothing in this section prohibits a board member from voting on the annual construction roster or other aggregated list of ten or more contracts, projects, or loans, or from discussing methods of prioritizing such rosters or lists. However, a board member must disclose to the public any beneficial interest in or affiliation with a person interested in contracts, projects, or loans on such a roster or list at the time it is considered by the board.

Example 3

Board member Joan Smith is the mayor of Pine City. A Pine City street improvement project is included in the annual construction roster. Although Smith is an officer of an entity engaged in a transaction before the board, she need not recuse herself from voting on the annual construction roster. Similarly, Smith may participate in general discussion of projects on the roster or methods of prioritizing projects on the roster. However, Smith must disclose her affiliation with Pine City at the time the roster is considered by the board.

Example 4

Board member Alice Lester is a director of the Starburst Sewer District. During presentation of the annual construction roster, the board is asked to consider adding eight projects to the roster based on various criteria developed by staff. The board's choice of criteria will determine which additional projects will be funded. A sewer improvement project for the Starburst Sewer District is among those that may be added to the roster, depending on which criteria are selected. Lester should disclose her affiliation with Starburst and recuse herself from discussing on or voting on the criteria for funding additional projects, because she is an officer of an entity interested in a transaction before the board, spe-

cifically determination of funding criteria that will affect Starburst Sewer District.

NEW SECTION

WAC 399-50-040 Disclosure of recusal. A board member shall disclose to the public the reasons for his or her recusal from any board action at the time of the recusal. A board member shall disclose to the public the nature of any interest the member has in a project on the annual construction roster or other aggregated list or roster of ten or more contracts, projects, or loans at the time the roster or list is considered by the board. Board staff shall record each such recusal or disclosure and the basis therefor.

WSR 00-01-097

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed December 16, 1999, 9:14 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-15-100 Call-back for work preceding or following a scheduled workshift and 356-15-110 Call-back for work on scheduled days off or holidays.

Purpose: These new rules pertain to call-back for work preceding or following a scheduled workshift and on scheduled days off or holidays.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These revisions are to provide for an employee who signs up for voluntary overtime to be considered to have waived his/her right to call-back compensation. The Department of Transportation is proposing these modifications as a result of the adoption of the Department of Corrections proposal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sharon Whitehead, Department of Personnel, 521 Capitol Way South, Olympia, WA, (360) 664-6348.

Name of Proponent: Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules clarify call-back for work preceding or following a scheduled workshift for work on scheduled days off or holidays. These revisions are to provide for an employee who signs up for voluntary overtime to be considered to have waived his/her right to call-back compensation. The Department of Transportation believes the adoption of the rule revisions will reduce the number of times employees are required to work mandatory overtime. Those employees who have signed up for voluntary overtime can be called back to do overtime without the agency incurring additional costs in the form of call-back compensation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 10, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 3, 2000, TDD (360) 753-4107 or (360) 664-6280.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by February 8, 2000.

Date of Intended Adoption: February 10, 2000.

December 8, 1999

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

~~((3) In the Department of Corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in a penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.))~~

(3) The provisions of this rule shall not apply in those cases where (a) the employees in a particular work unit have volunteered on an overtime sign up sheet to change the start time of their next scheduled workshift and (b) the exclusive representative, if any, has agreed to the volunteer arrangement.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

~~((4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the Department of Corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.))~~

(4) The provisions of this rule shall not apply in those cases where (a) the employees in a work unit have volunteered on an overtime sign up sheet to work on the scheduled day off or holiday and (b) the exclusive representative, if any, has agreed to the volunteer arrangement.

**WSR 00-01-099
PROPOSED RULES
OFFICE OF THE FAMILY
AND CHILDREN'S OMBUDSMAN**

[Filed December 16, 1999, 10:30 a.m.]

Supplemental Notice to WSR 99-22-041.

Preproposal statement of inquiry was filed as WSR 99-22-041.

Title of Rule: The Office of the Family and Children's Ombudsman.

Purpose: To modify and clarify administrative procedures.

WAC 112-10-010 to clarify the purpose of the agency, 112-10-020 to clarify the definitions of terms within the rules, 112-10-030 to change section from "Location" to "Authority," 112-10-040 to change section from "Authority"

to "Duties," 112-10-050 to change section from "Duties" to "Duty to report," 112-10-060 to change section from "Implementation of duties" to "Duty to report abuse," 112-10-070 new section for "Implementation of duties," and 112-10-080 new section "Release of OFCO investigative records generally."

Statutory Authority for Adoption: RCW 43.06A.030(6).
Statute Being Implemented: Chapter 43.06A RCW.

Summary: To modify and clarify the administrative procedures and the rules defining the agency, terms, duties and implementation of duties.

Reasons Supporting Proposal: To govern the internal operations of the agency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vickie Wallen, Director, Office of the Family and Children's Ombudsman, (206) 439-3870.

Name of Proponent: Office of the Family and Children's Ombudsman, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Definition of the agency, terms and duties. Rules relating to implementation of duties and internal operations of the agency.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under RCW 19.05.030 [19.85.030] (1)(a). No costs to business.

RCW 34.05.328 does not apply to this rule adoption. Exempt under RCW 34.05.328 (5)(b)(ii).

Hearing Location: Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012, on January 25, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Charlotte Clark-Mahoney, by January 18, 2000, TDD (206) 464-7293 or (206) 464-6597.

Submit Written Comments to: Vickie Wallen, 6720 Fort Dent Way #240, Tukwila, WA 98188, fax (206) 439-3877, by January 18, 2000.

Date of Intended Adoption: January 25, 2000.

December 15, 1999

Charlotte E. Clark-Mahoney
Assistant Attorney General

**Title 112 WAC
OFFICE OF THE FAMILY
AND CHILDREN'S OMBUDSMAN**

**Chapter 112-10 WAC
AGENCY ORGANIZATION**

WAC 112-10-010 Purpose is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

WAC 112-10-010 Purpose. The Office of the Family and Children's Ombudsman (~~((OFCO) was established))~~ is

intended to promote public awareness and understanding of family and children's services, ~~((to))~~ identify systems issues, ~~((to))~~ and monitor and ensure compliance with administrative acts, statutes, rules, and policies pertaining to family and children's services (~~(and to those pertaining to))~~ including the placement, supervision, and treatment of children in the state's care, ~~((or in state-operated facilities))~~ or in state-licensed facilities or residences.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WAC 112-10-020 Definitions is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

WAC 112-10-020 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Administrative Act" means an act(~~(ion))~~), decision, recommendation or omission made by a: (a) government(~~(al))~~ agency or ((a)) its contracting entity, or (b) state-licensed, or state certified, agency or facility, that affects: ~~((a))~~ (i) a child who was, is, or may be, in need of state protection due to child abuse or neglect; ~~((b))~~ (ii) a family who, was or is, under state supervision or receiving state services due to allegations or findings of child abuse or neglect; or (iii) (c) or a child who was, is, or may be in need of state services under RCW 13.32A.030; or (c) ~~((or a child who is in state custody-))~~ provided that, an administrative act does not include a specific act, decision, recommendation, or omission made by: (i) a judge, commissioner, administrative law judge, hearing examiner, attorney, court appointed special advocate, guardian ad litem, or parenting investigator in a legal or adjudicative proceeding; (ii) a law enforcement official in a criminal investigation; (iii) a member of the legislature or the member's staff; or (iv) the governor or the governor's staff.

(2) ~~(("Family and children's services" are services provided by or through the Department of Social and Health Services (DSHS), or state-licensed agencies, to families who are: (a) at risk of child abuse or neglect; (b) are under state supervision due to allegations or findings of child abuse or neglect; or (c) to children who are in state custody. These services include those provided by or through the Department of Social and Health Services, Children's Administration, Juvenile Rehabilitation Administration, and Health and Rehabilitative Services Administration-))~~ "Child abuse or neglect" means child abuse, neglect, or abandonment, or parental incapacity, as defined in RCW 13.34.030(4).

(3) ~~(("Confidential" and "confidentiality" refer to information that OFCO deems to be protected by federal and state law from public disclosure or further dissemination-))~~ "Committee" means the Legislative Children's Oversight Committee.

(4) ~~(("Department" means the Department of Social and Health Services-))~~ "Confidential" refers to information that the ombudsman determines is protected by federal or state law from public disclosure or further dissemination.

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(5) (~~"Investigative records" refers to all records obtained, held, or generated by OFCO in the performance of its duties.~~) "Department" or "DSHS" means the Department of Social and Health Services.

(6) "Family and children's services" are services provided by or through the Department or other government agencies, or state-licensed agencies, to: (a) children who are, or may be, at risk of child abuse or neglect, and their families; (b) children and families who are the subject of allegations or findings of child abuse or neglect; or (c) to children who are, or may be, in need of services under Chapter 13.32A RCW.

(7) "Investigative records" refers to all records generated by OFCO, confidential records obtained or held by OFCO, or materials obtained by OFCO from complainants or witnesses.

(8) "OFCO" refers to the Office of the Family and Children's Ombudsman.

(9) "Ombudsman" refers to the director of the Office of Family and Children's Ombudsman.

(10) "Secretary" means the secretary of the Department.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WAC 112-10-030 Location is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

~~WAC 112-10-030 ((Location. OFCO is located organizationally within the Office of the Governor, reports directly to the Governor, and exercises the powers of the office and duties independently of the Secretary of the Department of Social and Health Services.))~~ Authority. OFCO was created and receives its authority from RCW 43.06A.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WAC 112-10-040 Authority is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

~~WAC 112-10-040 ((Authority. OFCO was created and receives its authority from RCW 43.06A.))~~ Duties.

OFCO shall:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services.

(2) Investigate administrative acts alleged to be: ~~(a) contrary to law, rule, or policy((:)); (b) imposed without an adequate statement of reason((:)) or; (c) based on irrelevant, immaterial, or erroneous grounds.~~

(3) Monitor the procedures of ~~((DSHS))~~ the Department in carrying out its responsibilities in delivering family and children's services((:)) with a view toward appropriate preservation of families and ensuring children's health and safety.

(4) Review periodically the facilities and procedures of state institutions serving children and state licensed facilities or residences.

(5) Recommend changes in the procedures for addressing the needs of families and children.

(6) Submit an annual report to the Governor and the ~~((Legislative Oversight))~~ Committee analyzing the work of OFCO, including recommendations.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WAC 112-10-050 Duties is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

~~WAC 112-10-050 ((Duties. OFCO shall:~~

~~(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services and on the procedures for providing these services.~~

~~(2) Investigate administrative acts alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds:~~

~~(3) Monitor the procedures of DSHS in carrying out its responsibilities in delivering family and children's services.~~

~~(4) Review periodically the facilities and procedures of state institutions serving children and state licensed facilities or residences.~~

~~(5) Recommend changes in the procedures for addressing the needs of families and children.~~

~~(6) Submit an annual report to the Governor and the Legislative Oversight Committee (LOC) analyzing the work of OFCO, including recommendations.))~~ Duty to report. When the ombudsman's staff has reasonable cause to believe that any person has acted in a manner warranting criminal or disciplinary proceedings, he or she shall report the matter, or cause a report to be made, to the appropriate authorities. Reasonable cause means that the ombudsman or the ombudsman's staff has direct knowledge of the action warranting criminal or disciplinary proceedings or has determined through an investigation that the allegations or information provided by another person relating to such actions are credible.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WAC 112-10-060 Implementation of duties is amended to read as follows:

[AMENDATORY SECTION (Amending WSR 97-21-066, filed 10/14/97)]

~~WAC 112-10-060 ((Implementation of duties. (1) Investigations.~~

~~(a) OFCO investigates administrative acts.~~

~~(b) OFCO investigations may be initiated based upon receipt of a complaint or on its own initiative.~~

~~(c) OFCO may decline to investigate any complaint that is not within the scope and/or priorities of OFCO's policies and resources.~~

~~(d) OFCO may conduct its investigation based upon records review, interviews, and any other investigative tools necessary to carry out its duties.~~

~~(e) Actions to be taken by OFCO after an investigation may include:~~

~~(i) Recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;~~

~~(ii) Recommendations to the Legislature for legislative enactments that would improve services and/or accountability; and/or~~

~~(iii) Recommendations to the Governor for legislation, policy, and/or executive order changes that would improve services and/or accountability.~~

(2) Periodic Review of Facilities.

~~(a) OFCO will periodically review the policies and procedures of state institutions serving children and state-licensed or operated facilities where children reside.~~

~~(b) OFCO may review physical facilities based upon review of agency records or reports; review of agency policies and procedures; receipt of a complaint; or as patterns raising concern arise through other investigations.~~

(3) Handling of DSHS Records.

~~(a) As provided by applicable federal and state law, OFCO shall have access to, and permission to copy, all records held or accessible by Children's Administration that are relevant to any OFCO investigation. Access may be established pursuant to interagency protocol.~~

~~(b) Any records received from DSHS shall be deemed to be OFCO investigative records.~~

~~(c) The determination of relevance of records held or accessible by DSHS shall be made by OFCO.~~

(4) Release of Confidential Records.

~~(a) OFCO investigative records are confidential and exempt from disclosure under the Public Disclosure Act, RCW 42.17.~~

~~(b) Records received by OFCO shall be maintained as provided for under the law.~~

~~(c) Relevant investigative records created by OFCO shall be released to the Legislative Oversight Committee upon request, unless prohibited by law.~~

~~(d) The determination of relevance of records to be released to the LOC shall be made by OFCO. This determination may be based on criteria established pursuant to OFCO/LOC protocol.~~

~~(e) OFCO shall treat all matters under investigation and investigative records as confidential.)~~

Duty to Report Abuse. When the ombudsman, ombudsman's staff, or any volunteer, has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

New Section number for Implementation of Duties (formerly under § WAC 112-10-060)

NEW SECTION

WAC 112-10-070 Implementation of duties. OFCO's fulfills its duties through the following activities: (1) information and referral; (2) interventions; (3) systemic investigations; (4) administrative investigations; (5) complaint tracking and referral; and (6) an annual report.

~~(1. Investigations.)~~ 1. Information and Referral.

(a) OFCO ((investigates administrative acts)) responds to requests for information that relates to the rights and responsibilities of a family or child who is receiving family and children's services, and the procedures for providing such services, by providing information directly to the inquiring individual.

(b) OFCO ((investigations may be initiated based upon receipt of a complaint or on its own initiative)) may respond to requests for information pertaining to legal rights, responsibilities and procedures, but may not provide legal advice.

(c) OFCO ((may decline to investigate any complaint that is not within the scope and/or priorities of OFCO's policies and resources)) responds to requests for other information by referring the inquiring individual to the appropriate agency.

~~((d) OFCO may conduct its investigation based upon records review, interviews, and any other investigative tools necessary to carry out its duties.))~~

~~((e) Actions to be taken by OFCO after an investigation may include:~~

~~(i) Recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;~~

~~(ii) Recommendations to the Legislature for legislative enactments that would improve services and/or accountability; and/or~~

~~(iii) Recommendations to the Governor for legislation, policy, and/or executive order changes that would improve services and/or accountability.))~~

~~(2. Periodic Review of Facilities))~~ 2. Interventions.

(a) OFCO ((will periodically review the policies and procedures of state institutions serving children and state-licensed or operated facilities where children reside.)) may act to prevent or mitigate harm to a child or parent resulting from an administrative act.

(b) OFCO ((may review physical facilities based upon review of agency records or reports; review of agency policies and procedures; receipt of a complaint; or as patterns raising concern arise through other investigations.)) interventions may be initiated when, upon investigation, the ombudsman determines that an administrative act is harming or has placed at risk of harm a particular child or parent. OFCO may not intervene until the ombudsman has made such a determination.

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(c) OFCO's investigations may be initiated upon receipt of a complaint or upon its own initiative.

(d) OFCO may investigate only those alleged administrative acts that meet the definition established in WAC 112-10-020(1); provided that OFCO may conduct an investigation to determine whether an alleged administrative act meets the aforementioned definition.

(e) OFCO may decline a request to intervene on behalf of a particular child or parent when, upon investigation, the ombudsman determines that the complaint does not meet the criteria or priorities specified in law, rule, or OFCO policy.

(f) OFCO interventions include, but are not limited to, informal contacts with front-line workers and supervisors to express concerns, provide information, and explore other possible responses by the agency or facility. OFCO may also recommend a particular course of action to supervisors, managers, and administrators.

~~((3 Handling of DSHS Records.))~~ **3. Systemic Investigations.**

(a) ~~As provided by applicable federal and state law, OFCO shall have access to, and permission to copy, all records held or accessible by Children's Administration that are relevant to any OFCO investigation. Access may be established pursuant to interagency protocol. OFCO may investigate potentially chronic and/or system-wide administrative acts that appear to adversely affect children and families. A systemic investigation is intended to produce information that will enable OFCO to identify systemic issues and recommend appropriate changes in law, policy, procedure, or practice.~~

(b) ~~((Any records received from DSHS shall be deemed to be OFCO investigative records.)) OFCO systemic investigations may be initiated when, upon preliminary investigation, the ombudsman determines that a chronic and/or system-wide administrative practice appears to exist that adversely affects children and/or their parents. OFCO may not conduct a systemic investigation unless the ombudsman has made such a determination.~~

(c) ~~((The determination of relevance of records held or accessible by DSHS shall be made by OFCO.)) A preliminary investigation may be initiated upon receipt of a complaint requesting such an investigation or upon the ombudsman's own initiative.~~

(d) OFCO may investigate only those chronic and/or system-wide administrative acts that meet the definition in WAC 112-10-020(1), and only those that the ombudsman determines are consistent with the criteria and priorities specified in law, rule, and OFCO policy.

(e) OFCO may decline a request to conduct a systemic investigation if the ombudsman determines that the request is not consistent with the criteria or priorities specified in law, rule, or OFCO policy.

(f) The findings and recommendations resulting from a systemic investigation shall be published in a report to the Governor, the Committee, and the affected agency or facility.

~~((4 Release of Confidential Records.))~~ **(4) Administrative Investigations.**

(a) OFCO ~~((investigative records are confidential and exempt from disclosure under the Public Disclosure Act,~~

RCW 42.17.)) may investigate an administrative act that appears to have been seriously harmful to a child or family and: (i) a clear violation of law, policy, or procedure; or (ii) clearly unreasonable or inappropriate under the circumstances. An administrative investigation is intended to produce information that will enable OFCO to assess compliance with law, policy, or procedure, and/or the need for new or modified laws, policies, or procedures.

(b) ~~((Records received by OFCO shall be maintained as provided for under the law.)) OFCO administrative investigations may be initiated when, upon preliminary investigation, the ombudsman determines that an administrative act appears to have been seriously harmful to a child or family, and (i) a clear violation of law, policy, or procedure, or (ii) clearly unreasonable or inappropriate under the circumstances. OFCO may not conduct an administrative investigation unless the ombudsman has made such a determination.~~

(c) ~~((Relevant investigative records created by OFCO shall be released to the legislative oversight committee upon request, unless prohibited by law.)) A preliminary investigation may be initiated upon receipt of a complaint requesting an investigation or upon the ombudsman's own initiative.~~

(d) ~~((The determination of relevance of records to be released to the LOC shall be made by OFCO. This determination may be based on criteria established pursuant to OFCO/LOC protocol.)) OFCO may investigate only those administrative acts that meet the definition in WAC 112-10-020(1), and only those that the ombudsman determines are consistent with the criteria and priorities specified in law, rule, and OFCO policy.~~

(e) ~~((OFCO shall treat all matters under investigation and investigative records as confidential.)) OFCO may decline a request to conduct an administrative investigation if the ombudsman determines that the request is not consistent with the criteria or priorities specified in law, rule, or OFCO policy.~~

(f) The findings and recommendations resulting from an administrative investigation shall be published in a report to the Governor, the Committee, and the affected agency or facility.

5. Complaint Tracking and Referral.

(a) OFCO shall enter each complaint it receives in an automated database for the purpose of identifying and reporting complaint trends and patterns.

(b) OFCO responds to complaints that are not within its jurisdiction, priorities, or resources, by referring the complainant to the Governor's Office, the Legislative hot line, and/or the appropriate agency.

(c) With regard to complaints that are not within OFCO's jurisdiction, but that raise child health and safety concerns, OFCO may forward the concern directly to the appropriate agency for response.

(6) Annual Report. OFCO shall, at a minimum, report annually on:

(a) The number and types of complaints received by OFCO;

(b) OFCO's response to requests for interventions and investigations;

(c) The number and type of OFCO-initiated interventions and investigations, and

(d) The results of OFCO's interventions and investigations.[Statutory Authority: RCW 43.06A.030]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The unnecessary deletion marks and underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 112-10-080 Release of OFCO Investigative records generally. (a) OFCO investigative records are confidential and exempt from disclosure under the Public Disclosure Act, RCW 42.17.

(b) Confidential records received by OFCO shall be maintained as provided for under the law.

(c) OFCO shall treat all matters under investigation and investigative records as confidential, except so far as disclosures may be necessary to enable the office to perform its duties and to support recommendations resulting from an investigation.

(d) For the purpose of enabling the Committee to carry out its OFCO oversight duties, OFCO shall release relevant investigative records to the Committee upon request, unless prohibited by law.

[Statutory Authority: RCW 43.06A.030]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-01-133
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed December 20, 1999, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-021.

Title of Rule: WAC 260-52-010, 260-52-030, and 260-52-040.

Purpose: Review and update to conform to nationally accepted model rules.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Amending clarifying language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amending existing rules to conform to nationally accepted model rules.

Proposal Changes the Following Existing Rules: Amending WAC 260-52-010 Paddock to post, 260-52-030 Starting the race, and 260-52-040 Post to finish. Update to conform to nationally accepted model rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA, on January 26, 2000, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA, fax (360) 459-6461, by January 25, 2000.

Date of Intended Adoption: January 26, 2000.

December 16, 1999

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending WSR 81-08-013, filed 3/24/81)

WAC 260-52-010 Paddock to post. (1) Permission must be obtained from a steward to exercise a horse between races. ~~((unless the horse is being warmed up on the way to and just prior to entering the paddock for the next race to be run.))~~

~~((2))~~ ~~When a horse is being so warmed up before entering the paddock, his official program number shall be displayed by the rider.)~~

~~((3))~~ (2) In a race, each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of a field the horses comprising the field shall carry an individual number; i.e., 12, 13, 14, 15, and so on.

~~((4))~~ (3) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

~~((5))~~ (4) In case of accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

~~((6))~~ (5) All horses shall parade and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the steward's stand.

~~((7))~~ (6) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have

reached the post, they shall be started without unnecessary delay.

~~((8))~~ (7) If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.

~~((9))~~ (8) No person shall wilfully delay the arrival of a horse at the post.

~~((10))~~ (9) No person other than the rider, starter, or assistant starter shall be permitted to strike a horse, or attempt, by shouting or otherwise to assist it in getting a start.

~~((11))~~ (10) In all races in which a jockey will not ride with a whip, an announcement of that fact shall be made over the public address system.

AMENDATORY SECTION (Amending Order 74.2, filed 10/30/74)

WAC 260-52-030 Starting the race. ~~((1) The starter shall give orders to secure a fair start. After reasonable efforts, if a horse cannot be led or backed into position, the starter shall order the horse to be taken to the outside. The start must not be delayed on account of bad-mannered horses. When the stall gate is used, it shall be placed on the track at the discretion of the starter.~~

~~(2) The starter is required to load horses into the starting gate in order of post position. Provided, That the starter may load known fractious horses out of order at his discretion.~~

~~(3) All races shall be started by a starting gate approved by the commission, except that with permission of the stewards a race may be started without a gate. When a race is started with or without a gate, there shall be no start until, and no recall after, the assistant starter has dropped his flag in answer to that of the starter.~~

~~(4) If a horse is locked in the gate, the starter shall immediately notify the stewards who in turn shall immediately notify the manager of pari-mutuel department. The starter shall be the sole judge of what horse or horses are prevented from starting in a race through failure of gates to open.)~~

(1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a non-starter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from one or more parimutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

AMENDATORY SECTION (Amending WSR 81-08-013, filed 3/24/81)

WAC 260-52-040 Post to finish. ~~((1) When clear, a horse may be taken to any part of the course, except that crossing or weaving in front of contenders may constitute interference or intimidation for which the offender may be disciplined.~~

~~(2) A horse crossing so as actually to impede another horse is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.~~

~~(3) If a horse or jockey jostle another horse, the aggressor may be disqualified, unless the jostled horse or his jockey was partly in fault or the jostle was wholly caused by the fault of some other horse or jockey.~~

~~(4) If a jockey wilfully strikes another horse or jockey, or rides wilfully or carelessly so as to injure another horse, which is in no way in fault, or so as to cause other horses to do so, his horse is disqualified.~~

~~(5) When a horse is disqualified under this rule the other horse or horses in the same race coupled as an entry under WAC 260-48-110 may be disqualified.~~

~~(6) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before or immediately after his jockey has passed the scales. But nothing in this rule shall prevent the stewards taking cognizance of foul riding.~~

~~(7) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the stewards before any decision is made by them.~~

~~(8) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be punished.~~

~~(9) All horses are expected to give their best efforts in races in which they run, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and the commission.~~

~~(10) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win. Jockeys are prohibited from whipping a horse during the post parade, over the head, or in an excessive or brutal manner.)~~

(1) Interference, Jostling or Striking:

(a) A jockey shall not ride carelessly or wilfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race;

(b) No jockey shall carelessly or wilfully jostle, strike or touch another jockey or another jockey's horse or equipment;

(c) No jockey shall unnecessarily cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(2) Maintaining a Straight Course:

(a) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is

WSR 00-01-134
PROPOSED RULES
HORSE RACING COMMISSION

[Filed December 20, 1999, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-020.

Title of Rule: WAC 260-48-600 Refunds, and 260-48-620 Pools dependent upon betting interests.

Purpose: Add language regarding superfecta type wagering.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Add language to WAC 260-48-600 and 260-48-620 to govern the superfecta wagering bet.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Add superfecta wagering regulations to affected rules, WAC 260-48-600 and 260-48-620.

Proposal Changes the Following Existing Rules: Amends WAC 260-48-600 and 260-48-620 to reflect rules for superfecta wager.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA, on January 26, 2000, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516, fax (360) 459-6461, by January 25, 2000.

Date of Intended Adoption: January 26, 2000.

December 16, 1999

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99)

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, in races in which the number of betting interests has been reduced to fewer than four.

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ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul:

(b) A horse which interferes with another and thereby causes any other horse to lose ground or position or causes any other horse to break stride, when such other is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the stewards be reasonably be expected to finish, may be disqualified;

(c) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible;

(d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is foul and may result in the disqualification of the offending horse.

(3) Disqualification:

(a) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last;

(b) If a horse is disqualified for a foul, any horse of horses with which is coupled as an entry may also be disqualified;

(c) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time;

(d) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse;

(e) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(4) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

(5) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win.

(6) Any jockey who uses a whip during the running of a race is prohibited from whipping a horse:

(a) in an excessive or brutal manner;

(b) on the head, flanks, or on any part of its body other than the shoulders or hind quarters;

(c) during the post parade except when necessary to control the horse;

(d) when the horse is clearly out of the race.

(d) Superfecta pools (~~(-trifecta pools)~~) and first half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than six.

(e) Trifecta pools, in races in which the number of betting interests has been reduced to fewer than five.

(2) Authorized refunds shall be paid upon presentation and surrender of the affected parimutuel ticket.

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99)

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission otherwise provides, at the time the pools are opened for wagering, the association:

(1) Shall offer win, place, and show wagering on all races with five or more betting interests.

(2) May be allowed to prohibit show wagering on any race with four or fewer betting interests.

(3) May be allowed to prohibit place wagering on any race with three or fewer betting interests.

(4) May be allowed to prohibit quinella wagering on any race with three or fewer betting interests.

(5) May be allowed to prohibit exacta wagering on any race with three or fewer betting interests.

(6) Shall prohibit trifecta wagering on any race with ~~(seven)~~ five or fewer betting interests scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the trifecta pool opens for wagering in Washington.

(7) Shall prohibit twin trifecta wagering on any race with seven or fewer betting interests scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the twin trifecta pool opens for wagering in Washington.

(8) Shall prohibit superfecta wagering on any race with seven or fewer betting interests ~~((scheduled))~~ scheduled to start ~~((one hour prior to the first scheduled post time of the day))~~ when the superfecta pool opens for wagering in Washington.

WSR 00-01-135

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 20, 1999, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-062.

Title of Rule: WAC 260-44-070 Weighing out—Bridle, whip, maximum weights and measurements.

Purpose: Define the specific conformation weight and type of whip allowed to be used in a race.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Specifically describing the allowable whip to be used including weight and length.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Specifically classify the allowable whip to be used in a race. Detailing weight, length, type.

Proposal Changes the Following Existing Rules: Amends existing rule adding language that specifically describes the proper whip.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA, on January 26, 2000, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516, fax (360) 459-6461, by January 25, 2000.

Date of Intended Adoption: January 26, 2000.

December 16, 1999

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Rules of Racing, §303, filed 4/21/61)

WAC 260-44-070 Weighing out—Bridle, whip, maximum weights and measurements. (1) No bridle shall exceed two pounds in weight, ~~((and no whip (or substitute for a whip) shall exceed one pound in weight, unless approved by the stewards.))~~

(2) Whips, shall have closed poppers, with its maximum length being four inches and minimum width of one and one quarter inches. Three rows of one inch feathers made of leather or other approved materials approved by the stewards with a maximum length not to exceed thirty one inches, (including popper). The maximum weight shall not exceed one half of a pound.

WSR 00-01-136

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 20, 1999, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-018.

Title of Rule: WAC 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety helmets equipment.

Purpose: To review and update rules to conform with suggested model rules.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Update rule to include use of safety vest and to modify rule regarding gender specific.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Add requirement of wearing safety vest in addition to the safety helmet. Removing gender specific language. Conforming to requested model rules.

Proposal Changes the Following Existing Rules: Amends existing rule to include safety vest. Removing gender specific language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location:

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516, fax (360) 459-6461, by January 25, 2000.

Date of Intended Adoption: January 26, 2000.

December 16, 1999

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Rules of Racing, §286, filed 4/21/61)

WAC 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety (~~helmets~~) equipment. Each trainer shall register with the racing commission every person in his/her employ and (~~he shall~~) be responsible for all his/her employees securing occupational licenses.

He/she shall also be responsible for every jockey and (~~exercise boy~~) all his/her employees wearing a safety helmet and safety vest (~~when exercising horses for him~~) while on horse back. The safety helmet and safety vest shall be of a type approved by the commission and any changes in the helmet or the vest must be approved in writing by the stewards.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-01-140A

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 20, 1999, 2:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-080.

Title of Rule: WAC 390-05-400 Changes in dollar amounts.

Purpose: Adjust for inflation the dollar amounts imposed by Initiative 134 in 1992. These amounts were last amended in 1998.

Statutory Authority for Adoption: RCW 42.17.370(1) and [42.17].690.

Statute Being Implemented: RCW 42.17.690.

Summary: In even-numbered years, RCW 42.17.690 requires the commission to adjust for inflation the contribution limits and other dollar amounts established by Initiative 134. The proposed amendment to WAC 390-05-400 is being offered in order to satisfy this statutory obligation.

Reasons Supporting Proposal: The existing contribution limits and dollar amounts would be adjusted for inflation according to the formula set out in statute.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 664-2735; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule implements the statutory requirement to adjust the dollar amounts imposed by I-134 every two years.

Using the implicit price deflator inflation index and the formula called for in statute, the original contribution limits and other dollar amounts imposed by I-134 would go up about 20%. However, since these dollar amounts were adjusted in 1998 the actual increase over current dollar levels would be quite modest.

Proposal Changes the Following Existing Rules: The changes only adjust contribution limits and other dollar amounts for inflation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal would only affect a business that contributes to political campaigns, allowing it, along with other types of contributors, to give slightly more than is currently allowed by law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on January 25, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Ruthann Bryant, (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by January 13, 2000.

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Date of Intended Adoption: January 25, 2000.
 December 20, 1999
 Vicki Rippie
 Acting Executive Director

AMENDATORY SECTION (Amending WSR 98-08-069, filed 3/30/96 [3/30/98], effective 5/1/96 [5/1/98])

WAC 390-05-400 Changes in dollar amounts. Pursuant to the requirement in RCW 42.17.690 that the commission biennially revise the dollar amounts found in Initiative 134 to reflect changes in economic conditions, the following revisions are made:

Code Section	Subject Matter	Amount Enacted or Last Revised	((1998)) 2000 Revision
.020	Definition of (({"})"Independent Expenditure(({"})"	((-\$550) \$575	-\$575)) \$600
.125	Reimbursement of candidate for loan to own campaign	\$3,500	(((\$3,500)) \$3,800
.180(1)	Report— Applicability of provisions to Persons who made contributions	((-\$11,000) \$11,500	-\$11,500)) \$12,000
	Persons who made independent expenditures	((-\$550) \$575	-\$575)) \$600
.640(1)	Contribution Limits— Candidates for state leg. office	((-\$550) \$575	-\$575)) \$600
	Candidates for other state office	(((\$1,100) \$1,150	-\$1,150)) \$1,200
.640(2)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office	((-\$550) \$575	-\$575)) \$600
	Other State Office	(((\$1,100) \$1,150	-\$1,150)) \$1,200
.640(3)	Contribution Limits— Contributions made by political parties and caucus committees State parties and caucus committees	((-.55)) .58 per voter	((-.58 [per voter]) .60 per voter
	County and leg. district parties	((-.28)) .29 per voter	((-.29 [per voter]) .30 per voter
	Limit for all county and leg. district parties to a candidate	((-.28)) .29 per voter	((-.29 [per voter]) .30 per voter
.640(4)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall State parties and caucuses	((-.55)) .58 per voter	((-.58 [per voter]) .60 per voter

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Code Section	Subject Matter	Amount Enacted or Last Revised	((1998)) 2000 Revision
	County and leg. district parties	((-28)) <u>.29</u> per voter	((-29 [per voter])) <u>.30 per voter</u>
	Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	((-28)) <u>.29</u> per voter	((-29 [per voter])) <u>.30 per voter</u>
.640 (6)	Limits on contributions to political parties and caucus committees		
	To caucus committee	(\$550) <u>\$575</u>	-\$575) <u>\$600</u>
	To political party	(\$2,750) <u>\$2,875</u>	-\$2,875) <u>\$3,000</u>
.740	Contribution must be (made) <u>made</u> by written instrument	\$55	((\$55)) <u>\$60</u>

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-01-146A
PROPOSED RULES
GAMBLING COMMISSION
[Filed December 20, 1999, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-19-053 with a published date of October 6, 1999.

Title of Rule: Gambling service supplier rules.

Purpose: Language was added to include the following under the licensing requirements of a gambling service supplier: Businesses that assemble components for gambling equipment under a contract with a licensed manufacturer, and businesses that provide training of gambling activities. Furthermore, instructors at dealer schools will now be required to be licensed as a gambling service supplier representative.

Statutory Authority for Adoption: RCW 9.46.070.

Reasons Supporting Proposal: Businesses that are involved in the assembly of gambling components, and the owners and instructors at dealer schools are involved in gambling services and should therefore, fall under definition of a gambling service supplier and the licensing requirements that accompany it.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt

under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on February 11, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by February 2, 2000, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by February 2, 2000.

Date of Intended Adoption: February 11, 2000.

December 20, 1999

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-02-206 Gambling service((s)) supplier representative defined. A "gambling service((s)) supplier representative" is any natural person who:

(1) Represents a licensed gambling service((s)) supplier and who is directly involved in providing a service listed in WAC 230-02-205(1);

(2) Instructs card room activities to students enrolled in a university or college regulated by the Washington state board of community and technical colleges, and the higher education coordinating board when such instruction covers dealer procedures as opposed to general casino management.

AMENDATORY SECTION (Amending Order 361, filed 9/23/98, effective 1/1/99)

WAC 230-02-205 Gambling service supplier defined. A "gambling service((s)) supplier" is any person who provides gambling related services for compensation, whether

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~~((direct or indirect, to any licensed operator and who is not an employee of the operator receiving such services))~~ directly or indirectly.

(1) Gambling related services include at least the following:

(a) Providing consulting or advisory services regarding gambling activities;

(b) Providing gambling related management services;

(c) Providing financing for purchases or leases of gambling equipment or for providing infrastructure that supports gambling operations for more than one licensee. For purposes of this section, financing by any bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial lending institution shall not be deemed as providing gambling related services; ~~((e))~~

(d) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission;

(e) Providing assembly of components for gambling equipment under a contract with a licensed manufacturer; or

(f) Training individuals to conduct authorized gambling activities.

(2) The term "gambling services supplier" does not include the following:

(a) Universities and colleges that are regulated by the Washington state board of community and technical colleges and the higher education coordinating board which train individuals in dealer procedures or general casino management;

(b) Licensed manufacturers or distributors who service and repair pull-tab dispensing devices, bingo equipment or any other authorized gambling equipment;

~~((b))~~ (c) Attorneys, accountants, and governmental affairs consultants whose primary business is providing professional services that are unrelated to the management or operation of gambling activities; and

~~((e))~~ (d) Persons that only provide nonmanagement related recordkeeping services for punch board and pull-tab operators, when the combined total gross billings from such services does not exceed twenty thousand dollars during any calendar year.

AMENDATORY SECTION (Amending Order 362, filed 9/23/98, effective 1/1/99)

WAC 230-04-119 Licensing of gambling service suppliers. Prior to providing any type of gambling related service ~~((to any licensed operator)),~~ a gambling service supplier shall first obtain a license or certification from the commission. The following requirements and restrictions apply to certification and licensing of gambling service suppliers:

License required.

(1) For purposes of this title, a license is required to provide any service related to licensed gambling activities as defined in WAC 230-02-205.

License not required.

(2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a gambling service supplier shall not be required to be additionally licensed as a gambling service supplier representative to perform duties in connection with the gambling service supplier's business. Except as provided in this section, a gambling service supplier shall not employ any unlicensed person to perform duties for which a license is required and shall take measures necessary to prevent an unlicensed person from doing so.

Application for license or certification.

~~((2))~~ (3) The applicant shall complete the application form supplied by the commission. The applicant shall provide, on the application form or attached thereto, a full description of all services provided or planned to be provided to each ~~((licensee))~~ licensee of the commission. Such description shall be in writing and include details necessary for commission staff to determine the scope of services provided to each licensee and the responsibilities of each party under the agreement.

Changes to the application.

~~((3))~~ (4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form.

~~((4))~~ ~~The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of the commission.~~

Limit of responsibility.

(5) In no circumstance may a gambling service supplier assume ultimate responsibility for ~~((an operator's gambling))~~ a licensee's activity.

License fees.

(6) License fees for gambling service suppliers shall be ~~((five hundred seventy-five dollars, plus one hundred twenty-five dollars per contract for gambling related services.~~

~~In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification))~~ as set forth in WAC 230-04-203.

Gambling service supplier holding an interest in a pull-tab manufacturer or distributor business.

(7) A licensed gambling service supplier or substantial interest holder thereof that provides services to punch board and pull-tab operators shall not hold a substantial interest in a licensed manufacturer or distributor of punch boards and pull-tabs: Provided, That for purposes of this section only, the director may determine that the spouse of an individual that is a substantial interest holder in a licensed gambling service supplier business will not be considered a substantial interest holder in the gambling service supplier business. In making such a determination, the director will assess the potential for involvement and/or influence in the gambling service supplier business and the manufacturer or distributor

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business and whether any potential influence is material. The director may impose additional requirements on either the gambling service supplier business and/or the manufacturer or distributor business. Such limitations may include, but are not limited to, prohibiting sales or providing services to an operator by the affected gambling service supplier business, or manufacturer or distributor business. At least the following documents may be considered by the director in a determination of potential influence:

- (a) Community or marital property agreements;
- (b) Separate property agreements;
- (c) Prenuptial agreements; and
- (d) Wills and codicils.

WSR 00-01-152

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 21, 1999, 9:21 a.m.]

The Department of Licensing hereby withdraws the proposed WAC 308-57-505 Member of the armed forces—Excise tax exemption for nonresidents, filed with your office on October 18, 1999, as a new section.

Deborah McCurley, Administrator
Title and Registration Services

WSR 00-01-163

PROPOSED RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed December 21, 1999, 2:08 p.m.]

Supplemental Notice to WSR 99-04-054.

Preproposal statement of inquiry was filed as WSR 98-11-018.

Title of Rule: Long-term care ombudsman program, the rules are consistent with applicable changes in federal and state statutes. The rules replace chapter 388-18 WAC, the current governing rules under the administrative jurisdiction of the state's Department of Social and Health Services.

Purpose: The rules will allow the long-term care ombudsman program to exercise all of the authority granted to it in the reauthorized Older Americans Act, and provide, per legislative directive, that the Department of Community, Trade and Economic Development (CTED) contract with a private nonprofit agency to run the program.

Statutory Authority for Adoption: RCW 43.190.030, as amended.

Statute Being Implemented: RCW 43.190.030, as amended.

Summary: The rules define contractor, subcontractor and ombudsman qualifications and duties; conflict of interest; access to residents, facilities and records; confidentiality of information and records; protection from interference; and name CTED as the administering agency.

Reasons Supporting Proposal: The 1997 legislature gave CTED the authority to adopt program rules; and CTED has determined that these rules will help better implement the state long-term care ombudsman program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Hanna, Department of Community, Trade and Economic Development, (360) 586-0436.

Name of Proponent: Department of Community, Trade and Economic Development, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies the roles of CTED and the privatized program, and reflects recent changes in the Older Americans Act. Its purpose is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW. It will provide CTED the framework it needs to administer the program, and will allow for more uniform program implementation throughout the state.

Proposal Changes the Following Existing Rules: The rules reflect that the long-term care ombudsman program is no longer administered by DSHS, but is administered by CTED; and that the program is not within DSHS but is managed by a private nonprofit agency through a contract with CTED. The rules expand the scope of the program consistent with recent changes in the Older Americans Act.

No small business economic impact statement has been prepared under chapter 19.85 RCW. CTED has determined that no costs or only minor costs will be imposed on small businesses through the implementation of these rules; therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. CTED is not listed in section 201 as a significant legislative rule agency.

Hearing Location: Department of General Administration Auditorium, Corner of 11th and Columbia, Main Floor, Olympia, Washington, on January 26, 2000, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Nancy Hanna by January 12, 2000, TDD (360) 753-2200 (agency information number), or (360) 586-0436.

Submit Written Comments to: Nancy Hanna, Program Manager, Long-Term Care Ombudsman Program, Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-0489, e-mail nancyh@cted.wa.gov, by January 26, 2000.

Date of Intended Adoption: February 29, 2000.

December 21, 1999

Martha Choe
Director

PROPOSED

Chapter 365-18 WAC

**LONG-TERM CARE OMBUDSMAN PROGRAM
DEPARTMENT OF COMMUNITY, TRADE, AND
ECONOMIC DEVELOPMENT**

NEW SECTION

WAC 365-18-010 Purpose. The purpose of this chapter is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW and the Older Americans Act of 1965 (42 U.S.C. § 3001 et seq., as amended). The overall purpose of the ombudsman program is to promote the interests, well-being, and rights of long-term care facility residents. These rules set forth the ombudsman program's authority and duties.

NEW SECTION

WAC 365-18-020 Definitions. When used in this chapter, unless otherwise required by the context:

- (1) "Contractor" means the nonprofit organization established by contract with the department to provide the services of the office of the state long-term care ombudsman program.
- (2) "Department" means the department of community, trade, and economic development.
- (3) "Immediate family" pertaining to conflicts of interest, means spouse, parents, children and siblings.
- (4) "Long-term care facility" or "facility" is as defined in RCW 43.190.020, and includes, but is not limited to, nursing homes, adult family homes, boarding homes, assisted living facilities, facilities that have a portion of their services established for long-term care, long-term care facilities operated by the Washington state department of veterans affairs, and any facility that is required by law to be licensed but is not.
- (5) "Long-term care services" means services provided to residents and applicants of long-term care facilities including, but not limited to, assessment, placement, case management, and determinations regarding benefits, personal care, and health care, but for purposes of these regulations does not mean care or services provided in the applicant's or resident's home outside of a long-term care facility or in other locations outside of a long-term care facility. Services are those provided to residents of all ages, and include, but are not limited to, those provided to individuals with developmental or physical disabilities, mental illness, dementia, or substance abuse problems.
- (6) "Ombudsman" means the state long-term care ombudsman, assistant state long-term care ombudsman, regional long-term care ombudsman, regional staff long-term care ombudsman, or certified long-term care volunteer ombudsman.
- (7) "Resident" means any individual residing temporarily or permanently in a long-term care facility, and, when concerning complaints about admissions, readmissions, transfers, or discharges, includes applicants and former residents of such facilities.
- (8) "State office" means the office of the state long-term care ombudsman.

(9) "Pecuniary interest" for purposes of this chapter means any significant ownership or investment interest.

NEW SECTION

WAC 365-18-030 Contractor, subcontractor, and ombudsman qualifications. (1) The contractor shall be a private nonprofit organization with demonstrated capability to carry out the responsibilities of the state long-term care ombudsman, including, but not limited to, an ability to receive, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities state-wide. Subcontractors shall have demonstrated the capability to carry out the responsibilities of their respective contracts. The contractor and subcontractors shall also be free of conflicts of interest, including:

- (a) Not be an agency or organization that is responsible for licensing, certifying, or regulating long-term care facilities;
 - (b) Not be an association, or an affiliate of such an association, of long-term care facilities; and
 - (c) Have no pecuniary interest in any long-term care facility.
- (2) The state long-term care ombudsman and assistant state long-term care ombudsman shall have demonstrated expertise and experience in the fields of long-term care and resident advocacy, and be free of conflicts of interest as defined in WAC 365-18-040.
- (3) Ombudsmen shall have demonstrated capability to carry out the responsibilities of their respective offices, and be free of conflicts of interest as defined in WAC 365-18-040.

(4) All prospective regional and volunteer ombudsmen shall successfully complete the training program designated by the state office prior to becoming certified and beginning work as ombudsmen. In addition, during the period of their assignment as ombudsmen, all ombudsmen are expected to attend periodic training events designed to increase their knowledge and expertise with regard to long-term care ombudsman issues.

(5) Prior to becoming an ombudsman, all prospective ombudsmen shall, at a minimum, successfully pass a criminal history background check as provided by chapter 43.43 RCW.

(6) Once a person becomes an ombudsman, he or she shall successfully pass a criminal history background check as provided by chapter 43.43 RCW every three years at a minimum.

NEW SECTION

WAC 365-18-040 Conflicts of interest. (1) All ombudsmen shall be free from conflicts of interests, including:

- (a) No ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within three years from the start of his or her duties as an ombudsman;

PROPOSED

(b) No ombudsman or member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in a long-term care facility or a long-term care service;

(c) No ombudsman shall have a direct involvement in the licensing, certification, or regulation of a long-term care facility or of a long-term care service during his or her tenure as an ombudsman;

(d) No ombudsman shall solicit or be the beneficiary of gifts, money or estate property from residents in any facility in which he or she has served or is serving as ombudsman. This subsection shall not prohibit an ombudsman from receiving gifts, money, or estate property from a resident who is a relative of the ombudsman, provided that the ombudsman is not assigned to the facility where the relative resides;

(e) No ombudsman may work for an agency or entity in which the ombudsman has direct personal involvement in the provision or establishment of involuntary services or in the involuntary commitment of a resident.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers or oversees the contractor's or subcontractor's contract, may be an official or employee of any agency or organization that conducts the licensing, certification, or regulation of long-term care facilities, or that owns, operates, or manages such facilities.

NEW SECTION

WAC 365-18-050 Duties—Department. The department shall, consistent with federal and state laws:

(1) Establish procedures for designating and contracting with a qualified private, nonprofit organization to provide the state long-term care ombudsman program services, including legal services;

(2) Facilitate the exchange of information among appropriate state agencies and organizations regarding issues relating to the long-term care ombudsman program;

(3) Help the state long-term care ombudsman obtain direct access to the directors and key staff of state governmental entities with responsibilities that impact residents of long-term care facilities;

(4) Provide other assistance to the ombudsman program as the department deems appropriate;

(5) Monitor program activities and the expenditure of state and federal funds under the contract with the state office for appropriate utilization of funds, compliance with state and federal laws, and fulfillment of contract obligations; and

(6) Assure, along with the state office, that no ombudsman is subject to a conflict of interest.

NEW SECTION

WAC 365-18-060 Duties—State ombudsman. The state long-term care ombudsman shall assure performance of the following duties:

(1) Identify, investigate, and resolve complaints that relate to actions, inactions, or decisions that may adversely

affect the health, safety, welfare, or rights of residents, that are made by:

(a) A resident, a resident's relatives, friends, or associates;

(b) Providers, or representatives of providers, of long-term care or health care services;

(c) Public agencies;

(d) Health and social service agencies; or

(e) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(2) In coordination with the appropriate state or local government agencies, develop referral procedures for all long-term care ombudsmen to refer complaints, when necessary and when confidentiality requirements of this chapter are not abridged, to any appropriate state or local government agency; such referral procedures must conform to the appropriate state law for referring reports of potential abuse, neglect, exploitation or abandonment and shall contain wherever possible the information specified in the appropriate state reporting laws;

(3) Offer and provide services to assist residents and their representatives in protecting the health, safety, welfare, and rights of the residents;

(4) Inform the residents, their representatives and others about resident rights and about the means of obtaining needed services, and work with the department of social and health services and long-term care facility administrators to assure that notices containing the name, address, and telephone number of the appropriate long-term care ombudsman are posted prominently in every long-term care facility;

(5) Ensure that residents and their representatives have regular and timely access to the services provided through the ombudsman program, and ensure that the residents and complainants receive timely responses from representatives of the ombudsman program. Provision shall be made by facilities and the ombudsman to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(6) Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(7)(a) Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to long-term care facilities and services in the state;

(b) Recommend changes in laws, regulations, policies, and actions that will further promote the interests, well-being and rights of residents;

(c) Provide such information as the state office determines to be necessary to public and private agencies, legislators, and other persons, regarding:

(i) The problems and concerns of individuals residing in long-term care facilities; and

(ii) Recommendations related to these problems and concerns; and

PROPOSED

(d) Facilitate public comment on laws, regulations, policies, and actions related to residents of long-term care facilities and the ombudsman program;

(8)(a) Establish procedures for the training and supervision of prospective regional long-term care ombudsmen, regional long-term care staff ombudsmen, and certified volunteer ombudsmen, and ensure that all ombudsmen are educated in the fields of long-term care and advocacy, including, but not limited to, conflict resolution, laws that govern long-term care resident populations, and issues in long-term care facilities pertaining to residents with mental illness, dementia, developmental and physical disabilities, and substance abuse problems;

(b) Monitor and provide administrative and policy direction and technical assistance to the regional long-term care ombudsmen; and

(c) Coordinate the activities of long-term care ombudsmen throughout the state;

(9)(a) Promote the development of citizen groups to participate in the ombudsman program; and

(b) Provide support for the development of resident councils and family councils to protect the interests, well-being and rights of residents;

(10) Assure that representative stakeholder advisory councils are established and maintained for the state and regional ombudsman programs. All councils should include representation from a broad spectrum of interests served by the program, including, but not limited to, mental illness, dementia, and developmental and physical disabilities. All vacancies to councils should be filled where possible within six months of the vacancy;

(11) Coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness including making appropriate referrals, and with legal services funded under Title III of the Older Americans Act, through the development of memoranda of understanding and other means;

(12) Establish a grievance procedure for the purpose of providing an appeal process for any individual dissatisfied with the actions of any ombudsman. The highest level of appeal shall be the contractor and the contractor's governing board. The grievance procedure is not intended to supplant any contracting or subcontracting agency's internally established grievance procedure for disputes not related to ombudsman duties;

(13) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems;

(14) Prepare an annual report:

(a) Describing the activities carried out by the ombudsman program in the prior year;

(b) Evaluating the problems experienced by, and the complaints made by, or on behalf of, residents;

(c) Containing recommendations for:

(i) Improving quality of the care and life of the residents; and

(ii) Protecting the health, safety, welfare, and rights of the residents;

(d)(i) Analyzing the success and needs of the ombudsman program, including the success or gaps in providing services to residents of long-term care facilities; and

(ii) Identifying barriers that prevent the optimal operation of the ombudsman program;

(e) Providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers; and

(f) Make available to the federal Commissioner on Aging, the governor, the Washington state legislature, the department of social and health services, the department of health, the department of community, trade, and economic development, and other appropriate governmental entities and interested members of the public, the annual report described in this subsection;

(15) The state long-term care ombudsman may subcontract for long-term care ombudsman services, including regional long-term care ombudsman services, throughout the state. The state long-term care ombudsman has the authority to designate and certify regional long-term care ombudsmen. The state long-term care ombudsman has the authority to revoke, when good cause is shown, the subcontract or the designation and certification of the individual regional long-term care ombudsman;

(16) The state long-term care ombudsman has the authority to designate qualified individuals as certified volunteer long-term care ombudsmen representing the ombudsman program. Such individuals shall receive a certificate and picture identification card from the state office signed by the state long-term care ombudsman. The state long-term care ombudsman has the authority to revoke, when good cause is shown, this certification.

(17) Nothing in this chapter shall be construed to empower the state long-term care ombudsman or any other long-term care ombudsman with statutory or regulatory licensing or sanctioning authority.

NEW SECTION

WAC 365-18-070 Duties—Regional and regional staff long-term care ombudsmen. Regional and regional staff long-term care ombudsmen shall, in accordance with the policies and procedures established by the state office, have the following duties:

(1) Inform residents, their representatives, and others about their rights, and offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) Ensure that residents and their representatives in the service area have regular, timely access to representatives of the ombudsman program and timely responses to complaints and requests for assistance. Provision shall be made by facilities and ombudsmen to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(3) Identify, investigate, and resolve complaints that relate to actions, inactions, or decisions, that may adversely

affect the health, safety, welfare, or rights of residents, that are made by:

- (a) A resident, a resident's relatives, friends, or associates;
- (b) Providers, or representatives of providers, of long-term care or health care services;
- (c) Public agencies;
- (d) Health and social service agencies; or
- (e) Guardians, representative payees, holders of powers of attorney, or other resident representatives;
- (4) Recruit, train, place and supervise volunteer and staff ombudsmen who have been certified by the state ombudsman;
- (5) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;
- (6) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;
- (7) Assure that regional stakeholder advisory councils are established and maintained for the regional ombudsman programs. Councils should include representation from a broad spectrum of interests served by the program, including, but not limited to, mental illness, dementia, and developmental and physical disabilities. All vacancies to councils should be filled where possible within three months of the vacancy;
- (8) Promote the development of resident councils, family councils, and citizen advocacy groups; and
- (9) Carry out other activities that the state long-term care ombudsman determines to be appropriate.

NEW SECTION

WAC 365-18-080 Duties—Certified volunteer long-term care ombudsmen. Trained and certified volunteer long-term care ombudsmen shall, in accordance with policies and procedures established by the state office, and under the supervision of the regional long-term care ombudsman, have the following duties:

- (1) Inform residents, their representatives and others about their rights, and offer and provide services to protect the health, safety, welfare, and rights of residents;
- (2) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents;
- (3) Visit residents in the assigned facility(s) on a regular basis, with provision made by facilities and ombudsmen to secure privacy for the purpose of the ombudsman carrying out his or her duties, and, according to program policy, identify, investigate and resolve complaints that relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of residents, that are made by:
 - (a) A resident, a resident's relatives, friends, or associates;
 - (b) Providers, or representatives of providers, of long-term care or health care services;

- (c) Public agencies;
- (d) Health and social service agencies; or
- (e) Guardians, representative payees, holders of powers of attorney, or other resident representatives;
- (4) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;
- (5) Promote development of resident councils, family councils, and citizen advocacy groups; and
- (6) Carry out other activities that the state long-term care ombudsman determines to be appropriate.

NEW SECTION

WAC 365-18-090 Legal counsel. The state agency shall ensure that, within available funding, adequate legal counsel is available, and is able, without conflict of interest, to:

- (1) Provide advice and consultation needed to protect the health, safety, welfare and rights of residents;
- (2) Pursue administrative, legal, and other remedies on behalf of residents;
- (3) Assist representatives of the state office in performance of their duties; and
- (4) Provide legal representation to any representative of the state office against whom legal action is threatened or brought in connection with performance of their duties.

NEW SECTION

WAC 365-18-100 Ombudsmen access to facilities, residents, and records. (1) All ombudsmen shall have access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter, chapter 43.190 RCW, and federal law. Access to facilities and residents by ombudsmen shall be deemed necessary and reasonable at the following times:

- (a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public; and
- (b) Any other time access may be required by the particular condition to be investigated or monitored.
- (2) Upon entering a facility, or as soon as practicable thereafter, all ombudsmen shall report their presence to the facility administration or staff in charge and, upon request, present identification as an ombudsman.
- (3) Ombudsmen shall have access to residents to perform the duties set forth in this chapter, chapter 43.190 RCW, and federal law. Provision shall be made by the facility and the ombudsman to secure privacy for the purpose of building relationships, providing information, and hearing, investigating, and resolving complaints of, and rendering advice to, residents of the facility at any time deemed necessary and reasonable by the ombudsmen to effectively carry out the provisions of this chapter.
- (4) Ombudsmen shall have private access to residents without willful interference from the facility or the resident's

representative, including a guardian, family member, or holders of powers of attorney.

(5) Ombudsmen shall have the following access to a resident's records:

(a)(i) Prompt access to review and timely access to obtain copies of all medical and social records of a resident, and other records relating to the resident if:

(A) The ombudsman has the permission of the resident, or the legal representative of the resident; or

(B) The resident is unable to consent to the review and has no legal representative; or

(ii) Prompt access to review and timely access to obtain copies of all medical, social, and other records of a resident, as is necessary to investigate a complaint if:

(A) A legal representative of the resident, including a guardian, refuses to give the permission;

(B) The ombudsman has reasonable cause to believe that the legal representative or guardian is not acting in the best interest of the resident; and

(C) The ombudsman obtains the prior approval of the state long-term care ombudsman or his or her designee;

(b) Prompt access to review and timely access to obtain copies of any long-term care facility's documents to which the residents or the general public have access, including administrative records and policies; provided, that in licensed nursing facilities this shall include, but not be limited to, the records and policies set forth in RCW 74.42.430.

(6) Ombudsmen shall have timely access to, and copies where requested, of all licensing and certification records maintained by the state with respect to long-term care facilities.

(7) For any copies obtained under this section, the ombudsman may be charged a reasonable rate not to exceed the community standard.

NEW SECTION

WAC 365-18-110 Confidentiality of ombudsman records, communications privileged. (1) All records and files maintained by the long-term care ombudsman program shall remain confidential. Any disclosure of long-term care ombudsman program records is subject to the following provisions:

(a) No disclosure shall be made without the prior approval of the state ombudsman or his or her representative.

(b) No disclosure of the identities of complainants, witnesses, clients, or residents shall be made unless one of the following conditions has been met:

(i) The complainant or resident, or their legal representative consents in writing to the disclosure; or

(ii) The complainant or resident gives oral consent, and that consent is documented contemporaneously in writing by a representative of the state office; or

(iii) The disclosure is required by court order.

(c) Nonidentifying information or statistics may be disclosed at the discretion of the state ombudsman or his or her representative.

(2) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter or federal or state statutes and done in

good faith, are privileged. That privilege shall serve as a defense to any action in libel or slander. Ombudsmen are exempt from being required to testify in court, administrative hearings, or depositions as to any confidential matters, except as the court may deem necessary to enforce this chapter.

(3) In monitoring the state office and regional ombudsman programs, subject to the discretion of the state ombudsman, access to the ombudsman files and records, minus identifying information regarding any resident, complainant, or witness, shall be available to the director or one senior manager of the department and the organization in which the ombudsman program is administratively located. The individual who performs this monitoring function shall have no conflict of interest, as provided in WAC 365-18-040(2).

NEW SECTION

WAC 365-18-120 Interference with the ombudsman, liability. (1) It is unlawful under 42 U.S.C. Sec. 3058g(j) and RCW 43.190.090 to take any discriminatory, disciplinary, or retaliatory action against the following persons:

(a) Any employee of a facility or agency;

(b) Any resident or client of a long-term care facility or family member of a resident;

(c) Any ombudsman; or

(d) Any person;

for any communication made, or information given or disclosed, to an ombudsman carrying out his or her duties unless that person acted maliciously or without good faith.

(2) It is unlawful to willfully interfere with ombudsmen in the performance of their official duties.

(3) No ombudsman shall be liable for good faith performance of his or her duties under this chapter, chapter 43.190 RCW, or federal law.

WSR 00-01-175

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 21, 1999, 4:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-070.

Title of Rule: Scaffolds in general industry, chapter 296-24 WAC and Safety standards for construction work, chapter 296-155 WAC.

Purpose: **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-02 issue of the Register.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation

and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-02 issue of the Register.

A copy of the statement may be obtained by writing to Department of Labor and Industries, Attn: Greg Nothstein, Economic Analyst, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they do not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on February 8, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by February 1, 2000, at (360) 902-5484.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on February 15, 2000. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: April 4, 2000.

December 21, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-110 Accident prevention program. (1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The depart-

ment may be contacted for assistance in developing appropriate programs.

(3) The following are the minimal program elements for all employers:

A safety orientation program describing the employer's safety program and including:

(a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of required personal protective equipment.

(d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(4) Each accident-prevention program shall be outlined in written format.

(5) Every employer shall conduct crew leader-crew safety meetings as follows:

(a) Crew leader-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) Crew leader-crew meetings shall be tailored to the particular operation.

(6) Crew leader-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each crew leader-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of crew leader-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the department, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

PROPOSED

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the department.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

PART U
POWER DISTRIBUTION AND
TRANSMISSION LINES(~~(reserved)~~)

Refer to chapter ~~((296-44))~~ 296-45 WAC, "Safety standards for electrical ~~((construction work))~~ workers."

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-23027 Truck operations. (1) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object.

(2) No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(4) The employer shall prohibit arms or legs from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(b) When the operator of an industrial truck is dismounted and within 25 feet of the truck, still in view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance shall be maintained from the edge of ramps or platforms while on any elevated dock, or platform or freight car. Trucks shall not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device shall require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The truck operator shall be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) Employees or other persons will stand clear while the door is being moved with a device.

(7) Brakes shall be set and wheel blocks shall be in place to prevent movement of trucks, trailers, or railroad cars while

loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There shall be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.

(11) Only approved industrial trucks shall be used in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions shall be taken for the protection of personnel being elevated.

(a) Use of a safety platform firmly secured to the lifting carriage and/or forks.

(b) Means shall be provided whereby personnel on the platform can shut off power to the truck.

(c) Such protection from falling objects as indicated necessary by the operating conditions shall be provided.

(13) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are complied with:

(a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(d) An operator shall attend the lift equipment while workers are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(14) Fire aisles, access to stairways, and fire equipment shall be kept clear.

(15) Powered industrial trucks used as order pickers that do not have standard guardrails on all open sides, must be

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equipped with a safety harness, lanyard, and a tie-off point approved by the manufacturer. Fall protection equipment must meet the criteria outlined in WAC 296-24-88050, Appendix C - Personal fall arrest systems.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-14519 Boatswain's chairs. (~~An employee shall be secured in the boatswain's chair with a safety belt or rope, and shall have a short rope with a sliding hitch between the employee's body or the chair and the hoistline.~~) The employer must ensure that boatswain's chairs are used in accordance with the requirements of Part J-2, Scaffolds, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 96-09-030, filed 4/10/96, effective 6/1/96)

WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms. (1) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) "Failure" means load refusal, breakage, or separation of components.

(b) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(c) "Load refusal" means the point where the ultimate strength is exceeded.

(d) "Maximum intended load" means the total load of all employees tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(e) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(3) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(4) Operational criteria.

(a) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(b) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 and applying the fifty percent derating of the crane capacity.

(c) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(d) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(e) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(f) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(g) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(h) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(i) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(j) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(k) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device and be securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(d) All eyes in wire rope sling shall be fabricated with thimbles.

(e) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire

rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(f) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut, and retaining pin shall be used.

(g) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in (~~WAC 296-24-75007 and 296-24-82503(31) respectively~~) Parts J-1 and J-2 of this chapter.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-24-75007, and shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of ANSI A10.14- 1975.

(j) Box-type platform: The workers lanyard shall be secured to the work platform or guardrail of the work platform.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The side bar or rod shall extend a minimum of eight feet above the floor of the work platform.

(iv) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and prooftesting.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single

trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be prooftested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another prooftest shall be conducted. Personnel hoisting shall not be conducted until the prooftesting requirements are satisfied.

(g) The employer shall retain at the jobsite and produce when requested, documentation such as lift capacity information, verifying that the requirements of this standard have been met.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with those prescribed by the applicable ANSI standard for the type of crane or lift in use unless voice communication equipment is utilized. Signals shall be discernable or audible at all times.

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or over-haul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (4)(i) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new location, and shall be repeated for any employees newly assigned to the operation.

PART J-1

WORKING SURFACES, GUARDING FLOORS AND
WALL OPENINGS, LADDERS, (~~(, SCAFFOLDS)~~)

Working surfaces, ladders, scaffolds

PART J-2

~~((POWERED PLATFORMS, ETC.))~~ SCAFFOLDS

NEW SECTION

WAC 296-24-860 Scaffolds. Scope and application. This part applies to all scaffolds used in workplaces covered by this chapter. It does not apply to crane or derrick suspended personnel platforms, which are covered by chapter 296-24 WAC, Part D. The criteria for manually propelled elevating work platforms are set out exclusively in WAC 296-24-875.

The criteria for self-propelled elevating work platforms are set out exclusively in WAC 296-24-87505.

The criteria for boom supported elevating work platforms are set out exclusively in WAC 296-24-87510.

The criteria for aerial lifts are set out exclusively in WAC 296-24-87515.

Additional requirements for forklift supported personnel platforms are set out in WAC 296-24-23027.

NEW SECTION

WAC 296-24-86005 Definitions applicable to this part. "Adjustable suspension scaffold" means a suspension scaffold equipped with a hoist(s) that can be operated by an employee(s) on the scaffold.

"Bearer (putlog)" means a horizontal transverse scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

"Boatswains' chair" means a single-point adjustable suspension scaffold consisting of a seat or sling designed to support one employee in a sitting position.

"Body belt (safety belt)" means a strap with means both for securing it about the waist and for attaching it to a lanyard or lifeline, used only in fall restraint or positioning device systems. A body belt may not be used for fall arrest.

"Body harness" means a design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders, with means for attaching it to other components of a personal fall arrest system.

"Brace" means a rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

"Bricklayers' square scaffold" means a supported scaffold composed of framed squares which support a platform.

"Carpenters' bracket scaffold" means a supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

"Catenary scaffold" means a suspension scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

"Chimney hoist" means a multi-point adjustable suspension scaffold used to provide access to work inside chimneys. (See "multi-point adjustable suspension scaffold.")

"Cleat" means a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as crawling boards.

"Climbing ladder" means a separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

"Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

"Continuous run scaffold (run scaffold)" means a two-point or multi-point adjustable suspension scaffold constructed using a series of interconnected braced scaffold members or supporting structures erected to form a continuous scaffold.

"Coupler" means a device for locking together the tubes of a tube and coupler scaffold.

"Crawling board (chicken ladder)" means a supported scaffold consisting of a plank with cleats spaced and secured to provide footing, for use on sloped surfaces such as roofs.

"Deceleration device" means any mechanism, such as a rope grab, rip-stitch lanyard, specially-woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline lanyard, which dissipates a substantial amount of energy during a fall arrest or limits the energy imposed on an employee during fall arrest.

"Design working load" means the maximum intended load, being the total of all loads including the weight of the people, materials, equipment, and platform.

"Double pole (independent pole) scaffold" means a supported scaffold consisting of a platform(s) resting on cross beams (bearers) supported by ledgers and a double row of uprights independent of support (except ties, guys, braces) from any structure.

"Equivalent" means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

"Exposed power lines" means electrical power lines which are accessible to employees and which are not shielded from contact. Such lines do not include extension cords or power tool cords.

"Eye or eye splice" means a loop with or without a thimble at the end of a wire rope.

"Fabricated decking and planking" means manufactured platforms made of wood (including laminated wood, and solid sawn wood planks), metal or other materials.

"Fabricated frame scaffold (tubular welded frame scaffold)" means a scaffold consisting of a platform(s) supported on fabricated end frames with integral posts, horizontal bearers, and intermediate members.

"Failure" means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

"Falling object protection" means those devices, systems, structures, work practices or other means intended to prevent tools, materials, debris and other objects from falling or to deflect or contain falling objects in order to prevent them striking workers below.

"Float (ship) scaffold" means a suspension scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

"Form scaffold" means a supported scaffold consisting of a platform supported by brackets attached to formwork.

"Guardrail system" means a vertical barrier, consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway to lower levels.

"Handrail" means a rail connected to a ladder stand running parallel to the slope and/or top step.

"Hoist" means a manual or power-operated mechanical device to raise or lower a suspended scaffold.

"Horse scaffold" means a supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

"Independent pole scaffold" (see "double pole scaffold").

"Interior hung scaffold" means a suspension scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

"Ladder jack scaffold" means a supported scaffold consisting of a platform resting on brackets attached to ladders.

"Ladder stand" means a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

"Landing" means a platform at the end of a flight of stairs.

"Large area scaffold" means a pole scaffold, tube and coupler scaffold, systems scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

"Lean-to scaffold" means a supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

"Ledger" - see runner.

"Lifeline" means a component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

"Lower levels" means areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, materials, water, and equipment.

"Masons' adjustable supported scaffold" (see "self-contained adjustable scaffold").

"Masons' multi-point adjustable suspension scaffold" means a continuous run suspension scaffold designed and used for masonry operations.

"Maximum intended load" means the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

"Mobile" means manually propelled.

"Mobile scaffold" means a powered or unpowered, portable, caster or wheel-mounted supported scaffold.

"Mobile work platform" means generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

"Multi-level suspended scaffold" means a two-point or multi-point adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

"Multi-point adjustable suspension scaffold" means a suspension scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels. Such scaffolds include chimney hoists.

"Needle beam scaffold" means a platform suspended from needle beams.

"Open sides and ends" means the edges of a platform that are more than 14 inches (36 cm) away horizontally from a sturdy, continuous, vertical surface (such as a building wall) or a sturdy, continuous horizontal surface (such as a floor), or a point of access. Exception: For plastering and lathing operations the horizontal threshold distance is 18 inches (46 cm).

"Outrigger" means the structural member of a supported scaffold used to increase the base width of a scaffold in order to provide support for and increased stability of the scaffold.

"Outrigger beam (thrustout)" means the structural member of a suspension scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

"Outrigger scaffold" means a supported scaffold consisting of a platform resting on outrigger beams (thrustouts) projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside the building or structure.

"Overhand bricklaying" means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

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"Personal fall arrest system" means a system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

"Platform" means a work surface elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

"Pole scaffold" (see definitions for "single-pole scaffold" and "double (independent) pole scaffold").

"Power operated hoist" means a hoist which is powered by other than human energy.

"Pump jack scaffold" means a supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

"Putlog" - see bearer.

"Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

"Rated load" means the manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

"Repair bracket scaffold" means a supported scaffold consisting of a platform supported by brackets which are secured in place around the circumference or perimeter of a chimney, stack, tank or other supporting structure by one or more wire ropes placed around the supporting structure.

"Ribbon" - see runner.

"Roof bracket scaffold" means a rooftop supported scaffold consisting of a platform resting on angular-shaped supports.

"Runner (ledger or ribbon)" means the lengthwise horizontal spacing or bracing member which may support the bearers.

"Scaffold" means any temporary elevated platform (supported or suspended) and its supporting structure (including points of anchorage), used for supporting employees or materials or both.

"Self-contained adjustable scaffold" means a combination supported and suspension scaffold consisting of an adjustable platform(s) mounted on an independent supporting frame(s) not a part of the object being worked on, and which is equipped with a means to permit the raising and lowering of the platform(s). Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

"Shore scaffold" means a supported scaffold which is placed against a building or structure and held in place with props.

"Single-point adjustable suspension scaffold" means a suspension scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

"Single-pole scaffold" means a supported scaffold consisting of a platform(s) resting on bearers, the outside ends of

which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

"Stair tower (scaffold stairway/tower)" means a tower comprised of scaffold components and which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

"Stall load" means the load at which the prime-mover of a power-operated hoist stalls or the power to the prime-mover is automatically disconnected.

"Step, platform, and trestle ladder scaffold" means a platform resting directly on the rungs of step ladders or trestle ladders.

"Stilts" means a pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

"Stonesetters' multi-point adjustable suspension scaffold" means a continuous run suspension scaffold designed and used for stonesetters' operations.

"Supported scaffold" means one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support.

"Suspension scaffold" means one or more platforms suspended by ropes or other nonrigid means from an overhead structure(s).

"System scaffold" means a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

"Tank builders' scaffold" means a supported scaffold consisting of a platform resting on brackets that are either directly attached to a cylindrical tank or attached to devices that are attached to such a tank.

"Toeboard" means a barrier installed at the outermost edge of a walking/working surface to prevent objects from falling onto workers below.

"Top plate bracket scaffold" means a scaffold supported by brackets that hook over or are attached to the top of a wall. This type of scaffold is similar to carpenters' bracket scaffolds and form scaffolds and is used in residential construction for setting trusses.

"Tube and coupler scaffold" means a supported or suspended scaffold consisting of a platform(s) supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

"Tubular welded frame scaffold" (see "fabricated frame scaffold").

"Tubular welded sectional folding scaffold" means a sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

"Two-point suspension scaffold (swing stage)" means a suspension scaffold consisting of a platform supported by hangers (stirrups) suspended by two ropes from overhead

supports and equipped with means to permit the raising and lowering of the platform to desired work levels.

"**Unstable objects**" means items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

"**Vertical pickup**" means a rope used to support the horizontal rope in catenary scaffolds.

"**Walkway**" means a portion of a scaffold platform used only for access and not as a work level.

"**Window jack scaffold**" means a platform resting on a bracket or jack which projects through a window opening.

"**Work level**" means the elevated platform, used for supporting workers and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

NEW SECTION

WAC 296-24-86010 General requirements. This section does not apply to manually propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-875.

This section does not apply to self-propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87505.

This section does not apply to boom supported elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87510.

This section does not apply to aerial lifts, the criteria for which are set out exclusively in WAC 296-24-87515.

(1) "Capacity."

(a) Except as provided in (b), (c), (d) and (e) of this subsection and subsection (7) of this section, each scaffold and scaffold component must be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.

(b) Direct connections to roofs and floors, and counterweights used to balance adjustable suspension scaffolds, must be capable of resisting at least 4 times the tipping moment imposed by the scaffold operating at the rated load of the hoist, or 1.5 (minimum) times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(c) Each suspension rope, including connecting hardware, used on nonadjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope.

(d) Each suspension rope, including connecting hardware, used on adjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope with the scaffold operating at either the rated load of the hoist, or 2 (minimum) times the stall load of the hoist, whichever is greater.

(e) The stall load of any scaffold hoist must not exceed 3 times its rated load.

(f) Scaffolds must be designed by a qualified person and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with subsection (1) of this section.

(2) "Scaffold platform construction."

(a) Each platform on all working levels of scaffolds must be fully planked or decked between the front uprights and the guardrail supports as follows:

(i) Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) must be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).

(ii) Where the employer makes the demonstration provided for in subsection (2)(a)(i) of this section, the platform must be planked or decked as fully as possible and the remaining open space between the platform and the uprights must not exceed 9 1/2 inches (24.1 cm).

Exception to subsection (2)(a) of this section: The requirement in subsection (2)(a) of this section to provide full planking or decking does not apply to platforms used solely as walkways or solely by employees performing scaffold erection or dismantling. In these situations, only the planking necessary to provide safe working conditions is required. Employees on those platforms must be protected from fall hazards in accordance with subsection (7) of this section.

(b) Except as provided in subsection (2)(b)(i) and (ii) of this section, each scaffold platform and walkway must be at least 18 inches (46 cm) wide.

(i) Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold must be at least 12 inches (30 cm) wide. There is no minimum width requirement for boatswains' chairs.

(ii) Where scaffolds must be used in areas that the employer can demonstrate are so narrow that platforms and walkways cannot be at least 18 inches (46 cm) wide, such platforms and walkways must be as wide as feasible, and employees on those platforms and walkways must be protected from fall hazards by the use of guardrails and/or personal fall arrest systems.

(c) Except as provided in subsection (2)(c)(i) and (ii) of this section, the front edge of all platforms must not be more than 14 inches (36 cm) from the face of the work, unless guardrail systems are erected along the front edge and/or personal fall arrest systems are used in accordance with subsection (7) of this section to protect employees from falling.

(i) The maximum distance from the face for outrigger scaffolds must be 3 inches (8 cm);

(ii) The maximum distance from the face for plastering and lathing operations must be 18 inches (46 cm).

(d) Each end of a platform, unless cleated or otherwise restrained by hooks or equivalent means, must extend over the centerline of its support at least 6 inches (15 cm).

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(e) Unless the platform is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end, the end of a platform must not extend over its support more than:

(i) 12 inches (30 cm) for platforms 10 feet or less in length;

(ii) 18 inches (46 cm) for platforms greater than 10 feet in length.

(f) On scaffolds where scaffold planks are abutted to create a long platform, each abutted end must rest on a separate support surface. This provision does not preclude the use of common support members, such as "T" sections, to support abutting planks, or hook on platforms designed to rest on common supports.

(g) On scaffolds where platforms are overlapped to create a long platform, the overlap must occur only over supports, and must not be less than 12 inches (30 cm) unless the platforms are nailed together or otherwise restrained to prevent movement.

(h) At all points of a scaffold where the platform changes direction, such as turning a corner, any platform that rests on a bearer at an angle other than a right angle must be laid first, and platforms which rest at right angles over the same bearer must be laid second, on top of the first platform.

(i) Wood platforms must not be covered with opaque finishes, except that platform edges may be covered or marked for identification. Platforms may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(j) Scaffold components must not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components must not be modified in order to intermix them, unless a qualified person determines the resulting scaffold is structurally sound.

(k) Scaffold components made of dissimilar metals must not be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that required by subsection (1)(a) of this section.

(3) "Criteria for supported scaffolds."

(a) Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) must be restrained from tipping by guying, tying, bracing, or equivalent means, as follows:

(i) Guys, ties, and braces must be installed at locations where horizontal members support both inner and outer legs.

(ii) Guys, ties, and braces must be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4:1 height and be repeated vertically at locations of horizontal members every 20 feet (6.1 m) or less thereafter for scaffolds 3 feet (0.91 m) wide or less, and every 26 feet (7.9 m) or less thereafter for scaffolds greater than 3 feet (0.91 m) wide. The top guy, tie or brace of completed scaffolds must be placed no further than the 4:1 height from the top. Such guys, ties and braces must be installed at each end of the scaffold and at horizontal intervals

not to exceed 30 feet (9.1 m) (measured from one end (not both) towards the other).

(b) Ties, guys, braces, or outriggers must be used to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, is applied or is transmitted to the scaffold.

(c) Supported scaffold poles, legs, posts, frames, and uprights must bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs.

(i) Footings must be level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement.

(ii) Unstable objects must not be used to support scaffolds or platform units.

(iii) Unstable objects must not be used as working platforms.

(iv) Front-end loaders and similar pieces of equipment must not be used to support scaffold platforms unless they have been specifically designed by the manufacturer for such use.

(v) Forklifts must not be used to support scaffold platforms unless the entire platform is attached to the fork and the forklift is not moved horizontally while the platform is occupied.

(d) Supported scaffold poles, legs, posts, frames, and uprights must be plumb and braced to prevent swaying and displacement.

(4) "Criteria for suspension scaffolds."

(a) All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, must rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater).

(b) Suspension scaffold outrigger beams, when used, must be made of structural metal or equivalent strength material, and must be restrained to prevent movement.

(c) The inboard ends of suspension scaffold outrigger beams must be stabilized by bolts or other direct connections to the floor or roof deck, or they must have their inboard ends stabilized by counterweights, except masons' multi-point adjustable suspension scaffold outrigger beams must not be stabilized by counterweights.

(i) Before the scaffold is used, direct connections must be evaluated by a competent person who must confirm, based on the evaluation, that the supporting surfaces are capable of supporting the loads to be imposed. In addition, masons' multi-point adjustable suspension scaffold connections must be designed by an engineer experienced in such scaffold design.

(ii) Counterweights must be made of nonflowable material. Sand, gravel and similar materials that can be easily displaced must not be used as counterweights.

(iii) Only those items specifically designed as counterweights must be used to counterweight scaffold systems. Construction materials such as, but not limited to, masonry units and rolls of roofing felt, must not be used as counterweights.

(iv) Counterweights must be secured by mechanical means to the outrigger beams to prevent accidental displacement.

(v) Counterweights must not be removed from an outrigger beam until the scaffold is disassembled.

(vi) Outrigger beams which are not stabilized by bolts or other direct connections to the floor or roof deck must be secured by tiebacks.

(vii) Tiebacks must be equivalent in strength to the suspension ropes.

(viii) Outrigger beams must be placed perpendicular to its bearing support (usually the face of the building or structure). However, where the employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, the outrigger beam may be placed at some other angle, provided opposing angle tiebacks are used.

(ix) Tiebacks must be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(x) Tiebacks must be installed perpendicular to the face of the building or structure, or opposing angle tiebacks must be installed. Single tiebacks installed at an angle are prohibited.

(d) Suspension scaffold outrigger beams must be:

(i) Provided with stop bolts or shackles at both ends;

(ii) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(iii) Installed with all bearing supports perpendicular to the beam center line;

(iv) Set and maintained with the web in a vertical position; and

(v) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam must be placed directly over the center line of the stirrup.

(e) Suspension scaffold support devices such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices must be:

(i) Made of steel, wrought iron, or materials of equivalent strength;

(ii) Supported by bearing blocks; and

(iii) Secured against movement by tiebacks installed at right angles to the face of the building or structure, or opposing angle tiebacks must be installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit;

(iv) Tiebacks must be equivalent in strength to the hoisting rope.

(f) When winding drum hoists are used on a suspension scaffold, they must contain not less than four wraps of the suspension rope at the lowest point of scaffold travel. When other types of hoists are used, the suspension ropes must be long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist, or the rope end must be configured or provided with means to prevent the end from passing through the hoist.

(g) The use of repaired wire rope as suspension rope is prohibited.

(h) Wire suspension ropes must not be joined together except through the use of eye splice thimbles connected with shackles or coverplates and bolts.

(i) The load end of wire suspension ropes must be equipped with proper size thimbles and secured by eyesplicing or equivalent means.

(j) Ropes must be inspected for defects by a competent person prior to each workshift and after every occurrence which could affect a rope's integrity. Ropes must be replaced if any of the following conditions exist:

(i) Any physical damage which impairs the function and strength of the rope.

(ii) Kinks that might impair the tracking or wrapping of rope around the drum(s) or sheave(s).

(iii) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.

(iv) Abrasion, corrosion, scrubbing, flattening or peening causing loss of more than one-third of the original diameter of the outside wires.

(v) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(vi) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(k) Swaged attachments or spliced eyes on wire suspension ropes must not be used unless they are made by the wire rope manufacturer or a qualified person.

(l) When wire rope clips are used on suspension scaffolds:

(i) There must be a minimum of 3 wire rope clips installed, with the clips a minimum of 6 rope diameters apart;

(ii) Clips must be installed according to the manufacturer's recommendations;

(iii) Clips must be retightened to the manufacturer's recommendations after the initial loading;

(iv) Clips must be inspected and retightened to the manufacturer's recommendations at the start of each workshift thereafter;

(v) U-bolt clips must not be used at the point of suspension for any scaffold hoist;

(vi) When U-bolt clips are used, the U-bolt must be placed over the dead end of the rope, and the saddle must be placed over the live end of the rope.

(m) Suspension scaffold power-operated hoists and manual hoists must be tested by a qualified testing laboratory.

(n) Gasoline-powered equipment and hoists must not be used on suspension scaffolds.

(o) Gears and brakes of power-operated hoists used on suspension scaffolds must be enclosed.

(p) In addition to the normal operating brake, suspension scaffold power-operated hoists and manually operated hoists must have a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: An instantaneous change in momentum or an accelerated overspeed.

(q) Manually operated hoists must require a positive crank force to descend.

(r) Two-point and multi-point suspension scaffolds must be tied or otherwise secured to prevent them from swaying, as determined to be necessary based on an evaluation by a competent person. Window cleaners' anchors must not be used for this purpose.

(s) Devices whose sole function is to provide emergency escape and rescue must not be used as working platforms. This provision does not preclude the use of systems which are designed to function both as suspension scaffolds and emergency systems.

(5) "Access." This paragraph applies to scaffold access for all employees. Access requirements for employees erecting or dismantling supported scaffolds are specifically addressed in (i) of this subsection.

(a) When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface must be used. Crossbraces must not be used as a means of access.

(b) Portable, hook-on, and attachable ladders (additional requirements for the proper construction and use of portable ladders are contained in Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders):

(i) Portable, hook-on, and attachable ladders must be positioned so as not to tip the scaffold;

(ii) Hook-on and attachable ladders must be positioned so that their bottom rung is not more than 24 inches (61 cm) above the scaffold supporting level;

(iii) When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they must have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground;

(iv) Hook-on and attachable ladders must be specifically designed for use with the type of scaffold used;

(v) Hook-on and attachable ladders must have a minimum rung length of 11 1/2 inches (29 cm); and

(vi) Hook-on and attachable ladders must have uniformly spaced rungs with a maximum spacing between rungs of 16 3/4 inches.

(c) Stairway-type ladders must:

(i) Be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level;

(ii) Be provided with rest platforms at 12-foot (3.7 m) maximum vertical intervals;

(iii) Have a minimum step width of 16 inches (41 cm), except that mobile scaffold stairway-type ladders must have a minimum step width of 11 1/2 inches (30 cm); and

(iv) Have slip-resistant treads on all steps and landings.

(d) Stairtowers (scaffold stairway/towers) must be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level.

(i) A stairrail consisting of a toprail and a midrail must be provided on each side of each scaffold stairway.

(ii) The toprail of each stairrail system must also be capable of serving as a handrail, unless a separate handrail is provided.

(iii) Handrails, and toprails that serve as handrails, must provide an adequate handhold for employees grasping them to avoid falling.

(iv) Stairrail systems and handrails must be surfaced to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(v) The ends of stairrail systems and handrails must be constructed so that they do not constitute a projection hazard.

(vi) Handrails and toprails that are used as handrails, must be at least 3 inches (7.6 cm) from other objects.

(vii) Stairrails must be not less than 28 inches (71 cm) nor more than 37 inches (94 cm) from the upper surface of the stairrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(viii) A landing platform at least 18 inches (45.7 cm) wide by at least 18 inches (45.7 cm) long must be provided at each level.

(ix) Each scaffold stairway must be at least 18 inches (45.7 cm) wide between stairrails.

(x) Treads and landings must have slip-resistant surfaces.

(xi) Stairways must be installed between 40 degrees and 60 degrees from the horizontal.

(xii) Guardrails meeting the requirements of subsection (7)(d) of this section must be provided on the open sides and ends of each landing.

(xiii) Riser height must be uniform, within 1/4 inch (0.6 cm) for each flight of stairs. Greater variations in riser height are allowed for the top and bottom steps of the entire system, not for each flight of stairs.

(xiv) Tread depth must be uniform, within 1/4 inch, for each flight of stairs.

(e) Ramps and walkways.

(i) Ramps and walkways 4 feet (1.2 m) or more above lower levels must have guardrail systems which comply with Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders.

(ii) Ramps or walkways must not be inclined more than a slope of one vertical to three horizontal (20 degrees above the horizontal).

(iii) If the slope of a ramp or a walkway is steeper than one vertical in eight horizontal, the ramp or walkway must have cleats not more than 14 inches (35 cm) apart which are securely fastened to the planks to provide footing.

(f) Integral prefabricated scaffold access frames must:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm);

(iii) Not be used as work platforms when rungs are less than 11 1/2 inches in length, unless each affected employee uses fall protection, or a positioning device, which complies with WAC 296-24-88050, Appendix C, Part I;

(iv) Be uniformly spaced within each frame section;

(v) Be provided with rest platforms at 20-foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and

(vi) Have a maximum spacing between rungs of 16 3/4 inches (43 cm). Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed 16 3/4 inches (43 cm).

(g) Steps and rungs of ladder and stairway type access must line up vertically with each other between rest platforms.

(h) Direct access to or from another surface must be used only when the scaffold is not more than 14 inches (36 cm) horizontally and not more than 24 inches (61 cm) vertically from the other surface.

(i) Access for employees erecting or dismantling supported scaffolds must be in accordance with the following:

(i) The employer must provide safe means of access for each employee erecting or dismantling a scaffold where the provision of safe access is feasible and does not create a greater hazard. The employer must have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use a safe means of access. This determination must be based on site conditions and the type of scaffold being erected or dismantled.

(ii) Hook-on or attachable ladders must be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(iii) When erecting or dismantling tubular welded frame scaffolds, (end) frames, with horizontal members that are parallel, level and are not more than 22 inches apart vertically may be used as climbing devices for access, provided they are erected in a manner that creates a usable ladder and provides good hand hold and foot space.

(iv) Cross braces on tubular welded frame scaffolds must not be used as a means of access or egress.

(6) "Use."

(a) Scaffolds and scaffold components must not be loaded in excess of their maximum intended loads or rated capacities, whichever is less.

(b) The use of shore or lean-to scaffolds is prohibited.

(c) Scaffolds and scaffold components must be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(d) Any part of a scaffold damaged or weakened such that its strength is less than that required by subsection (1)(a) of this section must be immediately repaired or replaced, braced to meet those provisions, or removed from service until repaired.

(e) Scaffolds must not be moved horizontally while employees are on them, unless they have been designed by a registered professional engineer specifically for such movement or, for mobile scaffolds, where the provisions of WAC 296-24-86015(23) are followed.

(f) The clearance between scaffolds and power lines must be as follows: Scaffolds must not be erected, used, dismantled, altered, or moved such that they or any conductive material handled on them might come closer to exposed and energized power lines than as follows:

*Insulated Lines		
Voltage	Minimum distance	Alternatives
Less than 300 volts.	3 feet (0.9 m)	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
*300 volts to 50 kv.	10 feet (3.1 m)	
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	
*Uninsulated Lines		
Voltage	Minimum distance	Alternatives
Less than 50 kv	10 feet (3.1 m).	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	

Exception to (f) of this subsection: Scaffolds and materials may be closer to power lines than specified above where such clearance is necessary for performance of work, and only after the utility company, or electrical system operator, has been notified of the need to work closer and the utility company, or electrical system operator, has deenergized the lines, relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

(g) Scaffolds must be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities must be performed only by experienced and trained employees selected for such work by the competent person.

(h) Employees must be prohibited from working on scaffolds covered with snow, ice, or other slippery material except as necessary for removal of such materials.

(i) Where swinging loads are being hoisted onto or near scaffolds such that the loads might contact the scaffold, tag lines or equivalent measures to control the loads must be used.

(j) Suspension ropes supporting adjustable suspension scaffolds must be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.

(k) Suspension ropes must be shielded from heat-producing processes. When acids or other corrosive substances are used on a scaffold, the ropes must be shielded, treated to protect against the corrosive substances, or must be of a material that will not be damaged by the substance being used.

(l) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on the scaffold and those employees are protected by a personal fall arrest system or wind screens. Wind screens must not be used unless the scaffold is secured against the anticipated wind forces imposed.

(m) Debris must not be allowed to accumulate on platforms.

(n) Makeshift devices, such as, but not limited to, boxes and barrels, must not be used on top of scaffold platforms to increase the working level height of employees.

(o) Ladders must not be used on scaffolds to increase the working level height of employees, except on large area scaffolds where employers have satisfied the following criteria:

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(i) When the ladder is placed against a structure which is not a part of the scaffold, the scaffold must be secured against the sideways thrust exerted by the ladder;

(ii) The platform units must be secured to the scaffold to prevent their movement;

(iii) The ladder legs must be on the same platform or other means must be provided to stabilize the ladder against unequal platform deflection; and

(iv) The ladder legs must be secured to prevent them from slipping or being pushed off the platform.

(p) Platforms must not deflect more than 1/60 of the span when loaded.

(q) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, the following precautions must be taken, as applicable:

(i) An insulated thimble must be used to attach each suspension wire rope to its hanging support (such as cornice hook or outrigger). Excess suspension wire rope and any additional independent lines from grounding must be insulated;

(ii) The suspension wire rope must be covered with insulating material extending at least 4 feet (1.2 m) above the hoist. If there is a tail line below the hoist, it must be insulated to prevent contact with the platform. The portion of the tail line that hangs free below the scaffold must be guided or retained, or both, so that it does not become grounded;

(iii) Each hoist must be covered with insulated protective covers;

(iv) In addition to a work lead attachment required by the welding process, a grounding conductor must be connected from the scaffold to the structure. The size of this conductor must be at least the size of the welding process work lead, and this conductor must not be in series with the welding process or the work piece;

(v) If the scaffold grounding lead is disconnected at any time, the welding machine must be shut off; and

(vi) An active welding rod or uninsulated welding lead must not be allowed to contact the scaffold or its suspension system.

(7) "Fall protection."

(a) Each employee on a scaffold more than 10 feet (3.1 m) above a lower level must be protected from falling to that lower level. Subsection (7)(a)(i) through (vii) of this section establish the types of fall protection to be provided to the employees on each type of scaffold. Subsection (7)(b) of this section addresses fall protection for scaffold erectors and dismantlers.

Note to (a) of this subsection: The fall protection requirements for employees installing suspension scaffold support systems on floors, roofs, and other elevated surfaces are set forth in Parts J-2 and J-3 of this chapter.

(i) Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold must be protected by a personal fall arrest system;

(ii) Each employee on a single-point or two-point adjustable suspension scaffold must be protected by both a personal fall arrest system and guardrail system;

(iii) Each employee on a crawling board (chicken ladder) must be protected by a personal fall arrest system, a guardrail

system (with minimum 200 pound toprail capacity), or by a 3/4 inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board;

(iv) Each employee on a self-contained adjustable scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by the frame structure, and by both a personal fall arrest system and a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by ropes;

(v) Each employee on a walkway located within a scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) installed within 9 1/2 inches (24.1 cm) of and along at least one side of the walkway;

(vi) Each employee performing overhand bricklaying operations from a supported scaffold must be protected from falling from all open sides and ends of the scaffold (except at the side next to the wall being laid) by the use of a personal fall arrest system or guardrail system (with minimum 200 pound toprail capacity);

(vii) For all scaffolds not otherwise specified in (a)(i) through (vi) of this subsection, each employee must be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of (d) of this subsection.

(b) The employer must have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of such protection is feasible and does not create a greater hazard. The maximum feasible fall protection must be used.

(c) In addition to meeting the requirements of WAC 296-24-88050, Appendix C, Part I, personal fall arrest systems used on scaffolds must be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member. Vertical lifelines must not be used when overhead components, such as overhead protection or additional platform levels, are part of a single-point or two-point adjustable suspension scaffold.

(i) When vertical lifelines are used, they must be fastened to a fixed safe point of anchorage, must be independent of the scaffold, and must be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other piping systems, electrical conduit, outrigger beams, or counterweights.

(ii) When horizontal lifelines are used, they must be secured to two or more structural members of the scaffold, or they may be looped around both suspension and independent suspension lines (on scaffolds so equipped) above the hoist and brake attached to the end of the scaffold. Horizontal lifelines must not be attached only to the suspension ropes.

(iii) When lanyards are connected to horizontal lifelines or structural members on a single-point or two-point adjustable suspension scaffold, the scaffold must be equipped with additional independent support lines and automatic locking devices capable of stopping the fall of the scaffold in the event one or both of the suspension ropes fail. The independent support lines must be equal in number and strength to the suspension ropes.

(iv) Vertical lifelines, independent support lines, and suspension ropes must not be attached to each other, nor must they be attached to or use the same point of anchorage, nor must they be attached to the same point on the scaffold or personal fall arrest system.

(d) Guardrail systems installed to meet the requirements of this section must comply with the following provisions (guardrail systems built in accordance with Appendix A to this part will be deemed to meet the requirements of (d)(vii), (viii) and (ix) of this subsection):

(i) Guardrail systems must be installed along all open sides and ends of platforms. Guardrail systems must be installed before the scaffold is released for use by employees other than erection/dismantling crews.

(ii) The top edge height of toprails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, must be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required must be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of (d) of this subsection.

(iii) When midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members are used, they must be installed between the top edge of the guardrail system and the scaffold platform.

(iv) When midrails are used, they must be installed at a height approximately midway between the top edge of the guardrail system and the platform surface.

(v) When screens and mesh are used, they must extend from the top edge of the guardrail system to the scaffold platform, and along the entire opening between the supports.

(vi) When intermediate members (such as balusters or additional rails) are used, they must not be more than 19 inches (48 cm) apart.

(vii) Each toprail or equivalent member of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

(viii) When the loads specified in (d)(vii) of this subsection are applied in a downward direction, the top edge must not drop below the height above the platform surface that is prescribed in (d)(ii) of this subsection.

(ix) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along the midrail or other member of at least 75 pounds (333 n) for guardrail systems with a minimum 100 pound toprail capacity, and at least 150 pounds (666 n) for guardrail systems with a minimum 200 pound toprail capacity.

(x) Suspension scaffold hoists and nonwalk-through stirrups may be used as end guardrails, if the space between the hoist or stirrup and the side guardrail or structure does not allow passage of an employee to the end of the scaffold.

(xi) Guardrails must be surfaced to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(xii) The ends of all rails must not overhang the terminal posts except when such overhang does not constitute a projection hazard to employees.

(xiii) Steel or plastic banding must not be used as a toprail or midrail.

(xiv) Manila or plastic (or other synthetic) rope being used for top rails or mid rails must be inspected by a competent person as frequently as necessary to ensure that it continues to meet the strength requirements of subsection (7) of this section.

(xv) Crossbraces may be used in lieu of either the toprail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass.

(8) "Falling object protection."

(a) In addition to wearing hardhats each employee on a scaffold must be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. When the falling objects are too large, heavy or massive to be contained or deflected by any of the above-listed measures, the employer must place such potential falling objects away from the edge of the surface from which they could fall and must secure those materials as necessary to prevent their falling.

(b) Where there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, the following provisions apply:

(i) The area below the scaffold to which objects can fall must be barricaded, and employees must not be permitted to enter the hazard area; or

(ii) A toeboard must be erected along the edge of platforms above lower levels for a distance sufficient to protect employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards; or

(iii) Where tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, paneling or screening extending from the toeboard or platform to the top of the guardrail must be erected for a distance sufficient to protect employees below; or

(iv) A guardrail system must be installed with openings small enough to prevent passage of potential falling objects; or

(v) A canopy structure, debris net, or catch platform strong enough to withstand the impact forces of the potential falling objects must be erected over the employees below.

(c) Canopies, when used for falling object protection, must comply with the following criteria:

PROPOSED

(i) Canopies must be installed between the falling object hazard and the employees.

(ii) When canopies are used on suspension scaffolds for falling object protection, the scaffold must be equipped with additional independent support lines equal in number to the number of points supported, and equivalent in strength to the strength of the suspension ropes.

(iii) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(d) Where used, toeboards must be:

(i) Capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard (toeboards built in accordance with Appendix A to this part will be deemed to meet this requirement); and

(ii) At least 3 1/2 inches (9 cm) high from the top edge of the toeboard to the level of the walking/working surface. Toeboards must be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 cm) clearance above the walking/working surface. Toeboards must be solid or with openings not over 1 inch (2.5 cm) in the greatest dimension.

NEW SECTION

WAC 296-24-86015 Additional requirements applicable to specific types of scaffolds. In addition to the applicable requirements of WAC 296-24-86010, the following requirements apply to the specific types of scaffolds indicated. Scaffolds not specifically addressed by WAC 296-24-86015, such as, but not limited to, systems scaffolds, must meet the requirements of WAC 296-24-86010.

(1) "Pole scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced, prior to receiving the new platforms.

(b) Crossbracing must be installed between the inner and outer sets of poles on double-pole scaffolds.

(c) Diagonal bracing in both directions must be installed across the entire inside face of double-pole scaffolds used to support loads equivalent to a uniformly distributed load of 50 pounds (222 kg) or more per square foot (929 square cm).

(d) Diagonal bracing in both directions must be installed across the entire outside face of all double- and single-pole scaffolds.

(e) Runners and bearers must be installed on edge.

(f) Bearers must extend a minimum of 3 inches (7.6 cm) over the outside edges of runners.

(g) Runners must extend over a minimum of two poles, and must be supported by bearing blocks securely attached to the poles.

(h) Braces, bearers, and runners must not be spliced between poles.

(i) Where wooden poles are spliced, the ends must be squared and the upper section must rest squarely on the lower section. Wood splice plates must be provided on at least two adjacent sides, and must extend at least 2 feet (0.6 m) on either side of the splice, overlap the abutted ends equally, and have at least the same cross-sectional areas as the pole.

Splice plates of other materials of equivalent strength may be used.

(j) Pole scaffolds over 60 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for pole scaffolds under 60 feet in height.

(2) "Tube and coupler scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced prior to receiving the new platforms.

(b) Transverse bracing forming an "X" across the width of the scaffold must be installed at the scaffold ends and at least at every third set of posts horizontally (measured from only one end) and every fourth runner vertically. Bracing must extend diagonally from the inner or outer posts or runners upward to the next outer or inner posts or runners. Building ties must be installed at the bearer levels between the transverse bracing and must conform to the requirements of WAC 296-24-86010 (3)(a).

(c) On straight run scaffolds, longitudinal bracing across the inner and outer rows of posts must be installed diagonally in both directions, and must extend from the base of the end posts upward to the top of the scaffold at approximately a 45 degree angle. On scaffolds whose length is greater than their height, such bracing must be repeated beginning at least at every fifth post. On scaffolds whose length is less than their height, such bracing must be installed from the base of the end posts upward to the opposite end posts, and then in alternating directions until reaching the top of the scaffold. Bracing must be installed as close as possible to the intersection of the bearer and post or runner and post.

(d) Where conditions preclude the attachment of bracing to posts, bracing must be attached to the runners as close to the post as possible.

(e) Bearers must be installed transversely between posts, and when coupled to the posts, must have the inboard coupler bear directly on the runner coupler. When the bearers are coupled to the runners, the couplers must be as close to the posts as possible.

(f) Bearers must extend beyond the posts and runners, and must provide full contact with the coupler.

(g) Runners must be installed along the length of the scaffold, located on both the inside and outside posts at level heights (when tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners).

(h) Runners must be interlocked on straight runs to form continuous lengths, and must be coupled to each post. The bottom runners and bearers must be located as close to the base as possible.

(i) Couplers must be of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(j) Tube and coupler scaffolds over 125 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design. Nonmandatory Appendix A to this part contains

examples of criteria that will enable an employer to comply with design and loading requirements for tube and coupler scaffolds under 125 feet in height.

(3) "Fabricated frame scaffolds" (tubular welded frame scaffolds).

(a) When moving platforms to the next level, the existing platform must be left undisturbed until the new end frames have been set in place and braced prior to receiving the new platforms.

(b) Frames and panels must be braced by cross, horizontal, or diagonal braces, or combination thereof, which secure vertical members together laterally. The cross braces must be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, and square. All brace connections must be secured.

(c) Frames and panels must be joined together vertically by coupling or stacking pins or equivalent means.

(d) Where uplift can occur which would displace scaffold end frames or panels, the frames or panels must be locked together vertically by pins or equivalent means.

(e) Brackets used to support cantilevered loads must:

(i) Be seated with side-brackets parallel to the frames and end-brackets at 90 degrees to the frames;

(ii) Not be bent or twisted from these positions; and

(iii) Be used only to support personnel, unless the scaffold has been designed for other loads by a qualified engineer and built to withstand the tipping forces caused by those other loads being placed on the bracket-supported section of the scaffold.

(f) Scaffolds over 125 feet (38.0 m) in height above their base plates must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design.

(4) "Plasterers', decorators', and large area scaffolds." Scaffolds must be constructed in accordance with subsection (1), (2), or (3) of this section, as appropriate.

(5) "Bricklayers' square scaffolds (squares)." •

(a) Scaffolds made of wood must be reinforced with gussets on both sides of each corner.

(b) Diagonal braces must be installed on all sides of each square.

(c) Diagonal braces must be installed between squares on the rear and front sides of the scaffold, and must extend from the bottom of each square to the top of the next square.

(d) Scaffolds must not exceed three tiers in height, and must be so constructed and arranged that one square rests directly above the other. The upper tiers must stand on a continuous row of planks laid across the next lower tier, and must be nailed down or otherwise secured to prevent displacement.

(6) "Horse scaffolds."

(a) Scaffolds must not be constructed or arranged more than two tiers or 10 feet (3.0 m) in height, whichever is less.

(b) When horses are arranged in tiers, each horse must be placed directly over the horse in the tier below.

(c) When horses are arranged in tiers, the legs of each horse must be nailed down or otherwise secured to prevent displacement.

(d) When horses are arranged in tiers, each tier must be crossbraced.

(7) "Form scaffolds and carpenters' bracket scaffolds."

(a) Each bracket, except those for wooden bracket-form scaffolds, must be attached to the supporting formwork or structure by means of one or more of the following: Nails; a metal stud attachment device; welding; hooking over a secured structural supporting member, with the form wales either bolted to the form or secured by snap ties or tie bolts extending through the form and securely anchored; or, for carpenters' bracket scaffolds only, by a bolt extending through to the opposite side of the structure's wall.

(b) Wooden bracket-form scaffolds must be an integral part of the form panel.

(c) Folding type metal brackets, when extended for use, must be either bolted or secured with a locking-type pin.

(8) "Roof bracket scaffolds."

(a) Scaffold brackets must be constructed to fit the pitch of the roof and must provide a level support for the platform.

(b) Brackets (including those provided with pointed metal projections) must be anchored in place by nails unless it is impractical to use nails. When nails are not used, brackets must be secured in place with first-grade manila rope of at least 3/4 inch (1.9 cm) diameter, or equivalent.

(9) "Outrigger scaffolds."

(a) The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of anchorage, must be not less than one and one-half times the outboard end in length.

(b) Outrigger beams fabricated in the shape of an I-beam or channel must be placed so that the web section is vertical.

(c) The fulcrum point of outrigger beams must rest on secure bearings at least 6 inches (15.2 cm) in each horizontal dimension.

(d) Outrigger beams must be secured in place against movement, and must be securely braced at the fulcrum point against tipping.

(e) The inboard ends of outrigger beams must be securely anchored either by means of braced struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both.

(f) The entire supporting structure must be securely braced to prevent any horizontal movement.

(g) To prevent their displacement, platform units must be nailed, bolted, or otherwise secured to outriggers.

(h) Scaffolds and scaffold components must be designed by a registered professional engineer and must be constructed and loaded in accordance with such design.

(10) "Pump jack scaffolds."

(a) Pump jack brackets, braces, and accessories must be fabricated from metal plates and angles. Each pump jack bracket must have two positive gripping mechanisms to prevent any failure or slippage.

(b) Poles must be secured to the structure by rigid triangular bracing or equivalent at the bottom, top, and other points as necessary. When the pump jack has to pass bracing already installed, an additional brace must be installed approximately 4 feet (1.2 m) above the brace to be passed, and must be left in place until the pump jack has been moved and the original brace reinstalled.

(c) When guardrails are used for fall protection, a workbench may be used as the toprail only if it meets all the

requirements in WAC 296-24-86010 (7)(d)(ii), (vii), (viii) and (xiii).

(d) Work benches must not be used as scaffold platforms.

(e) When poles are made of wood, the pole lumber must be straight-grained, free of shakes, large loose or dead knots, and other defects which might impair strength.

(f) When wood poles are constructed of two continuous lengths, they must be joined together with the seam parallel to the bracket.

(g) When two by fours are spliced to make a pole, mending plates must be installed at all splices to develop the full strength of the member.

(11) "Ladder jack scaffolds."

(a) Platforms must not exceed a height of 20 feet (6.1 m).

(b) All ladders used to support ladder jack scaffolds must meet the requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support ladder jack scaffolds.

(c) The ladder jack must be so designed and constructed that it will bear on the side rails and ladder rungs or on the ladder rungs alone. If bearing on rungs only, the bearing area must include a length of at least 10 inches (25.4 cm) on each rung.

(d) Ladders used to support ladder jacks must be placed, fastened, or equipped with devices to prevent slipping.

(e) Scaffold platforms must not be bridged one to another.

(12) "Window jack scaffolds."

(a) Scaffolds must be securely attached to the window opening.

(b) Scaffolds must be used only for the purpose of working at the window opening through which the jack is placed.

(c) Window jacks must not be used to support planks placed between one window jack and another, or for other elements of scaffolding.

(13) "Crawling boards (chicken ladders)."

(a) Crawling boards must extend from the roof peak to the eaves when used in connection with roof construction, repair, or maintenance.

(b) Crawling boards must be secured to the roof by ridge hooks or by means that meet equivalent criteria (e.g., strength and durability).

(14) "Step, platform, and trestle ladder scaffolds."

(a) Scaffold platforms must not be placed any higher than the second highest rung or step of the ladder supporting the platform.

(b) All ladders used in conjunction with step, platform and trestle ladder scaffolds must meet the pertinent requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support such scaffolds.

(c) Ladders used to support step, platform, and trestle ladder scaffolds must be placed, fastened, or equipped with devices to prevent slipping.

(d) Scaffolds must not be bridged one to another.

(15) "Single-point adjustable suspension scaffolds."

(a) When two single-point adjustable suspension scaffolds are combined to form a two-point adjustable suspension

scaffold, the resulting two-point scaffold must comply with the requirements for two-point adjustable suspension scaffolds in subsection (16) of this section.

(b) The supporting rope between the scaffold and the suspension device must be kept vertical unless all of the following conditions are met:

(i) The rigging has been designed by a qualified person; and

(ii) The scaffold is accessible to rescuers; and

(iii) The supporting rope is protected to ensure that it will not chafe at any point where a change in direction occurs; and

(iv) The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.

(c) Boatswains' chair tackle must consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-eighth (5/8) inch (1.6 cm) diameter first-grade manila rope, or other rope which will satisfy the criteria (e.g., strength and durability) of manila rope.

(d) Boatswains' chair seat slings must be reeved through four corner holes in the seat; must cross each other on the underside of the seat; and must be rigged so as to prevent slippage which could cause an out-of-level condition.

(e) Boatswains' chair seat slings must be a minimum of five-eighths (5/8) inch (1.6 cm) diameter fiber, synthetic, or other rope which will satisfy the criteria (e.g., strength, slip resistance, durability, etc.) of first grade manila rope.

(f) When a heat-producing process such as gas or arc welding is being conducted, boatswains' chair seat slings must be a minimum of three-eighths (3/8) inch (1.0 cm) wire rope.

(g) Noncross-laminated wood boatswains' chairs must be reinforced on their underside by cleats securely fastened to prevent the board from splitting.

(16) "Two-point adjustable suspension scaffolds (swing stages)." The following requirements do not apply to two-point adjustable suspension scaffolds used as masons' or stonemasons' scaffolds. Such scaffolds are covered by subsection (17) of this section.

(a) Platforms must not be more than 36 inches (0.9 m) wide unless designed by a qualified person to prevent unstable conditions.

(b) The platform must be securely fastened to hangers (stirrups) by U-bolts or by other means which satisfy the requirements of WAC 296-24-86010(1).

(c) The blocks for fiber or synthetic ropes must consist of at least one double and one single block. The sheaves of all blocks must fit the size of the rope used.

(d) Platforms must be of the ladder-type, plank-type, beam-type, or light-metal type. Light-metal type platforms having a rated capacity of 750 pounds or less and platforms 40 feet (12.2 m) or less in length must be tested and listed by a nationally recognized testing laboratory.

(e) Two-point scaffolds must not be bridged or otherwise connected one to another during raising and lowering operations unless the bridge connections are articulated (attached), and the hoists properly sized.

(f) Passage may be made from one platform to another only when the platforms are at the same height, are abutting,

and walk-through stirrups specifically designed for this purpose are used.

(17) "Multi-point adjustable suspension scaffolds, stone-setters' multi-point adjustable suspension scaffolds, and masons' multi-point adjustable suspension scaffolds."

(a) When two or more scaffolds are used they must not be bridged one to another unless they are designed to be bridged, the bridge connections are articulated, and the hoists are properly sized.

(b) If bridges are not used, passage may be made from one platform to another only when the platforms are at the same height and are abutting.

(c) Scaffolds must be suspended from metal outriggers, brackets, wire rope slings, hooks, or means that meet equivalent criteria (e.g., strength, durability).

(18) "Catenary scaffolds."

(a) No more than one platform must be placed between consecutive vertical pickups, and no more than two platforms must be used on a catenary scaffold.

(b) Platforms supported by wire ropes must have hook-shaped stops on each end of the platforms to prevent them from slipping off the wire ropes. These hooks must be so placed that they will prevent the platform from falling if one of the horizontal wire ropes breaks.

(c) Wire ropes must not be tightened to the extent that the application of a scaffold load will overstress them.

(d) Wire ropes must be continuous and without splices between anchors.

(19) "Float (ship) scaffolds."

(a) The platform must be supported by a minimum of two bearers, each of which must project a minimum of 6 inches (15.2 cm) beyond the platform on both sides. Each bearer must be securely fastened to the platform.

(b) Rope connections must be such that the platform cannot shift or slip.

(c) When only two ropes are used with each float:

(i) They must be arranged so as to provide four ends which are securely fastened to overhead supports.

(ii) Each supporting rope must be hitched around one end of the bearer and pass under the platform to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(20) "Interior hung scaffolds."

(a) Scaffolds must be suspended only from the roof structure or other structural member such as ceiling beams.

(b) Overhead supporting members (roof structure, ceiling beams, or other structural members) must be inspected and checked for strength before the scaffold is erected.

(c) Suspension ropes and cables must be connected to the overhead supporting members by shackles, clips, thimbles, or other means that meet equivalent criteria (e.g., strength, durability).

(21) "Needle beam scaffolds."

(a) Scaffold support beams must be installed on edge.

(b) Ropes or hangers must be used for supports, except that one end of a needle beam scaffold may be supported by a permanent structural member.

(c) The ropes must be securely attached to the needle beams.

(d) The support connection must be arranged so as to prevent the needle beam from rolling or becoming displaced.

(e) Platform units must be securely attached to the needle beams by bolts or equivalent means. Cleats and overhang are not considered to be adequate means of attachment.

(22) "Multi-level suspended scaffolds."

(a) Scaffolds must be equipped with additional independent support lines, equal in number to the number of points supported, and of equivalent strength to the suspension ropes, and rigged to support the scaffold in the event the suspension rope(s) fail.

(b) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(c) Supports for platforms must be attached directly to the support stirrup and not to any other platform.

(23) "Mobile scaffolds."

(a) Scaffolds must be braced by cross, horizontal, or diagonal braces, or combination thereof, to prevent racking or collapse of the scaffold and to secure vertical members together laterally so as to automatically square and align the vertical members. Scaffolds must be plumb, level, and squared. All brace connections must be secured.

(i) Scaffolds constructed of tube and coupler components must also comply with the requirements of subsection (2) of this section;

(ii) Scaffolds constructed of fabricated frame components must also comply with the requirements of subsection (3) of this section.

(b) Scaffold casters and wheels must be locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold is used in a stationary manner.

(c) Manual force used to move the scaffold must be applied as close to the base as practicable, but not more than 5 feet (1.5 m) above the supporting surface.

(d) Power systems used to propel mobile scaffolds must be designed for such use. Forklifts, trucks, similar motor vehicles or add-on motors must not be used to propel scaffolds unless the scaffold is designed for such propulsion systems.

(e) Scaffolds must be stabilized to prevent tipping during movement.

(f) Employees must not be allowed to ride on scaffolds unless the following conditions exist:

(i) The surface on which the scaffold is being moved is within 3 degrees of level, and free of pits, holes, and obstructions;

(ii) The height to base width ratio of the scaffold during movement is two to one or less, unless the scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements such as those listed in (ANSI/SIA A92.5 and A92.6);

(iii) Outrigger frames, when used, are installed on both sides of the scaffold;

(iv) When power systems are used, the propelling force is applied directly to the wheels, and does not produce a speed in excess of 1 foot per second (.3 mps); and

(v) No employee is on any part of the scaffold which extends outward beyond the wheels, casters, or other supports.

(g) Platforms must not extend outward beyond the base supports of the scaffold unless outrigger frames or equivalent devices are used to ensure stability.

(h) Where leveling of the scaffold is necessary, screw jacks or equivalent means must be used.

(i) Caster stems and wheel stems must be pinned or otherwise secured in scaffold legs or adjustment screws.

(j) Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

(k) Before a scaffold is moved, each employee on the scaffold must be made aware of the move.

(24) "Repair bracket scaffolds."

(a) Brackets must be secured in place by at least one wire rope at least 1/2 inch (1.27 cm) in diameter.

(b) Each bracket must be attached to the securing wire rope (or ropes) by a positive locking device capable of preventing the unintentional detachment of the bracket from the rope, or by equivalent means.

(c) Each bracket, at the contact point between the supporting structure and the bottom of the bracket, must be provided with a shoe (heel block or foot) capable of preventing the lateral movement of the bracket.

(d) Platforms must be secured to the brackets in a manner that will prevent the separation of the platforms from the brackets and the movement of the platforms or the brackets on a completed scaffold.

(e) When a wire rope is placed around the structure in order to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds, the wire rope must meet the requirements of WAC 296-24-88050, Appendix C, but must be at least 5/16 inch (0.8 cm) in diameter.

(f) Each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems must be protected from damage due to contact with edges, corners, protrusions, or other discontinuities of the supporting structure or scaffold components.

(g) Tensioning of each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems must be by means of a turnbuckle at least 1 inch (2.54 cm) in diameter, or by equivalent means.

(h) Each turnbuckle must be connected to the other end of its rope by use of an eyesplice thimble of a size appropriate to the turnbuckle to which it is attached.

(i) U-bolt wire rope clips must not be used on any wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems.

(j) The employer must ensure that materials must not be dropped to the outside of the supporting structure.

(k) Scaffold erection must progress in only one direction around any structure.

(25) "Stilts." Stilts, when used, must be used in accordance with the following requirements:

(a) An employee may wear stilts on a scaffold only if it is a large area scaffold.

(b) When an employee is using stilts on a large area scaffold where a guardrail system is used to provide fall protection, the guardrail system must be increased in height by an amount equal to the height of the stilts being used by the employee.

(c) Surfaces on which stilts are used must be flat and free of pits, holes and obstructions, such as debris, as well as other tripping and falling hazards.

(d) Stilts must be properly maintained. Any alteration of the original equipment must be approved by the manufacturer.

NEW SECTION

WAC 296-24-86020 Training. This section supplements and clarifies the requirements of WAC 296-24-020 (1)(c) and 296-24-040 (1)(a)(vii) as these relate to the hazards of work on scaffolds.

(1) The employer must have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training must include the following areas, as applicable:

(a) The nature of any electrical hazards, fall hazards and falling object hazards in the work area;

(b) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used;

(c) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(d) The maximum intended load and the load-carrying capacities of the scaffolds used; and

(e) Any other pertinent requirements of this subpart.

(2) The employer must have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training must include the following topics, as applicable:

(a) The nature of scaffold hazards;

(b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question;

(c) The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;

(d) Any other pertinent requirements of this part.

(3) When the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use or dismantling of scaffolds, the employer must retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations:

(a) Where changes at the worksite present a hazard about which an employee has not been previously trained; or

(b) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained; or

(c) Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency.

NEW SECTION**WAC 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers).****NEW SECTION**

WAC 296-24-86105 General requirements. (1) Application. This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) Working loads.

(a) Work platforms and scaffolds must be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(b) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design must be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected must be of sufficient strength to meet the test requirements and must be protected against corrosion or deterioration.

(i) The design working load of ladder stands must be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds must be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds must be capable of supporting at least four times the design working load.

(c) Materials used in mobile ladder stands and scaffolds must be of standard manufacture and conform to specifications of this section for strength, dimensions, and weights, and must be selected to safely support the design working load.

(d) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers must be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails must be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(e) All exposed surfaces must be free from sharp edges, burrs or other safety hazards.

(3) Work levels.

(a) The maximum work level height must not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames

must be employed to achieve this least base dimension, or provisions must be made to guy or brace the unit against tipping.

(b) The minimum platform width for any work level must not be less than 20 inches for mobile scaffolds (towers). Ladder stands must have a minimum step width of 16 inches.

(c) The supporting structure for the work level must be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(d) The steps of ladder stands must be fabricated from slip resistant treads.

(e) The work level platform of scaffolds (towers) must be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms must be secured in place. All planking must be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(f) All scaffold work levels 10 feet or higher above the ground or floor must have a standard (4-inch nominal) toe-board.

(g) All work levels 10 feet or higher above the ground or floor must have a guardrail of 2- by 4-inch nominal lumber or the equivalent installed no less than 38 inches or more than 45 inches high, with a mid-rail, when required, of at least 1- by 4-inch nominal lumber or equivalent.

(h) A climbing ladder, stairway, or equivalent must be provided for proper access and egress, and must be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 30 feet.

(4) Wheels or casters.

(a) Wheels or casters must be properly designed for strength and dimensions to support four times the design working load.

(b) All scaffold casters must be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands must have at least two of the four casters and must be of the swivel type.

(c) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height must be provided in the base section of each mobile unit.

NEW SECTION

WAC 296-24-86110 Mobile tubular welded frame scaffolds. (1) General. Units must be designed to comply with the requirements of WAC 296-24-86105.

(2) Bracing. Scaffolds must be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces must be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) Spacing. Spacing of panels or frames must be consistent with the loads imposed. The frames must be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) Locking. Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

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(5) Erection. Only the manufacturer of a scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer or erected in accordance with instructions furnished by the manufacturer.

NEW SECTION

WAC 296-24-86115 Mobile tubular welded sectional folding scaffolds. (1) General. Units including sectional stairway and sectional ladder scaffolds must be designed to comply with the requirements of WAC 296-24-86105.

(2) Stairway. An integral stairway and work platform must be incorporated into the structure of each sectional folding stairway scaffold.

(3) Bracing. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform must be incorporated into the structure of each sectional folding ladder scaffold.

(4) Sectional folding stairway scaffolds. Sectional folding stairway scaffolds must be designed as medium duty scaffolds except for high clearance. These special base sections must be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold must be reduced accordingly. The width of a sectional folding stairway scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding stairway scaffold must not exceed 6 feet.

(5) Sectional folding ladder scaffolds. Sectional folding ladder scaffolds must be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot folding ladder scaffolds, except for special high clearance base sections, must be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding ladder scaffold must not exceed 6 feet 6 inches for a six-foot long unit, 8 feet 6 inches for an eight-foot unit or 10 feet 6 inches for a ten-foot long unit.

(6) End frames. The end frames of sectional ladder and stairway scaffolds must be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) Erection. Only the manufacturer of the scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

NEW SECTION

WAC 296-24-86120 Mobile tube and coupler scaffolds. (1) Design. Units must be designed to comply with the applicable requirements of WAC 296-24-86105.

(2) Material. The material used for the couplers must be of a structural type, such as a drop-forged steel, malleable

iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) Erection. Only the manufacturer of the scaffold or their qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

NEW SECTION

WAC 296-24-86125 Mobile work platforms. (1) Design. Units must be designed for the use intended and shall comply with the requirements of WAC 296-24-86105.

(2) Base width. The minimum width of the base of mobile work platforms must not be less than 20 inches.

(3) Bracing. Adequate rigid diagonal bracing to vertical members must be provided.

NEW SECTION

WAC 296-24-86130 Mobile ladder stands. (1) Design. Units must comply with applicable requirements of WAC 296-24-86105.

(2) Base width. The minimum base width must conform to WAC 296-24-86105 (3)(a). The maximum length of the base section must be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(3) Steps. Steps must be uniformly spaced, and sloped, with a rise of not less than nine inches, nor more than ten inches, and a depth of not less than seven inches. The slope of the steps section must be a minimum of fifty-five degrees and a maximum of sixty degrees measured from the horizontal.

(4) Handrails.

(a) Units having more than five steps or 60 inches vertical height to the top step must be equipped with handrails.

(b) Handrails must be a minimum of 29 inches high. Measurements must be taken vertically from the center of the step.

(5) Loading. The load (see WAC 296-24-86105 (2)(b)(ii)) must be applied uniformly to a 3 1/2 inches wide area front to back at the center of the width span with a safety factor of four.

NEW SECTION

WAC 296-24-862 Nonmandatory appendices. Nonmandatory Appendix A to Part J-2, Scaffold Specifications.

This Appendix provides nonmandatory guidelines to assist employers in complying with the requirements of Part J-2 of this chapter. An employer may use these guidelines and tables as a starting point for designing scaffold systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-24-86010(1). Scaffold compo-

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nents which are not selected and loaded in accordance with this Appendix, and components for which no specific guidelines or tables are given in this Appendix (e.g., joints, ties, components for wood pole scaffolds more than 60 feet in height, components for heavy-duty horse scaffolds, components made with other materials, and components with other dimensions, etc.) must be designed and constructed in accordance with the capacity requirements of WAC 296-24-86010(1), and loaded in accordance with WAC 296-24-86010 (4)(a).

Index to Appendix A for Part J-2

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2. Specific guidelines and tables.
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 - (g) Form scaffolds and carpenters' bracket scaffolds.
 - (h) Roof bracket scaffolds.
 - (i) Outrigger scaffolds (one level).
 - (j) Pump jack scaffolds.
 - (k) Ladder jack scaffolds.
 - (l) Window jack scaffolds.
 - (m) Crawling boards (chicken ladders).
 - (n) Step, platform and trestle ladder scaffolds.
 - (o) Single-point adjustable suspension scaffolds.
 - (p) Two-point adjustable suspension scaffolds.
 - (q)(1) Stonesetters' multi-point adjustable suspension scaffolds.
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 - (r) Catenary scaffolds.
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 - (t) Interior hung scaffolds.
 - (u) Needle beam scaffolds.
 - (v) Multi-level suspension scaffolds.
 - (w) Mobile scaffolds.
 - (x) Repair bracket scaffolds.
 - (y) Stilts.
 - (z) Tank builders' scaffolds.

1. General guidelines and tables.
 (a) The following tables, and the tables in Part 2 —Specific guidelines and tables, assume that all load-carrying timber members (except planks) of the scaffold are a minimum of 1,500 lb-f/in(2) (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Softwood Lumber Standards, dated January 1970, except that, where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(b) Solid sawn wood used as scaffold planks must be selected for such use following the grading rules established by a recognized lumber grading association or by an independent lumber grading inspection agency. Such planks must be identified by the grade stamp of such association or agency.

The association or agency and the grading rules under which the wood is graded must be certified by the Board of Review, American Lumber Standard Committee, as set forth in the American Softwood Lumber Standard of the U.S. Department of Commerce.

(i) Allowable spans must be determined in compliance with the National Design Specification for Wood Construction published by the National Forest Products Association; paragraph 5 of ANSI A10.8-1988 Scaffolding-Safety Requirements published by the American National Standards Institute; or for 2 x 10 inch (nominal) or 2 x 9 inch (rough) solid sawn wood planks, as shown in the following table:

Maximum intended nominal load (lb/ft ²)	Maximum permissible span using full thickness undressed lumber (ft)	Maximum permissible span using nominal thickness lumber (ft)
25	10	8
50	8	6
75	6	

(ii) The maximum permissible span for 1 1/4 x 9-inch or wider wood plank of full thickness with a maximum intended load of 50 lb/ft.(2) must be 4 feet.

(c) Fabricated planks and platforms may be used in lieu of solid sawn wood planks. Maximum spans for such units must be as recommended by the manufacturer based on the maximum intended load being calculated as follows:

Rated load capacity	Intended load
Light-duty	*25 pounds per square foot applied uniformly over the entire span area.
Medium-duty	*50 pounds per square foot applied uniformly over the entire span area.
Heavy-duty	*75 pounds per square foot applied uniformly over the entire span area.
One-person	*250 pounds placed at the center of the span (total 250 pounds).
Two-person	*250 pounds placed 18 inches to the left and right of the center of the span (total 500 pounds).
Three-person	*250 pounds placed at the center of the span and 250 pounds placed 18 inches to the left and right of the center of the span (total 750 pounds).

Note: Platform units used to make scaffold platforms intended for light-duty use must be capable of supporting at least 25 pounds per square foot applied uniformly over the entire unit-span area, or a 250-pound point load placed on the unit at the center of the span, whichever load produces the greater shear force.

(d) Guardrails must be as follows:

(i) Toprails must be equivalent in strength to 2 inch by 4 inch lumber; or
 1 1/4 inch x 1/8 inch structural angle iron; or
 1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.

(ii) Midrails must be equivalent in strength to 1 inch by 6 inch lumber; or
 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron; or
 1 inch x .070 inch wall steel tubing; or

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1.990 inch x .058 inch wall aluminum tubing.

(iii) Toeboards must be equivalent in strength to 1 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(iv) Posts must be equivalent in strength to 2 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch x 1/8 structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(v) Distance between posts must not exceed 8 feet.

(e) Overhead protection must consist of 2 inch nominal planking laid tight, or 3/4-inch plywood.

(f) Screen installed between toeboards and midrails or toprails must consist of No. 18 gauge U.S. Standard wire one inch mesh.

2. Specific guidelines and tables.

(a) Pole Scaffolds.

Single Pole Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load (lbs/ft ²)	25	25	50	75
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 6 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet
Maximum pole spacing (transverse)	5 feet	5 feet	5 feet	5 feet
Runners	1 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
5 feet	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough)	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
6 feet	—	—	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
8 feet	—	—	2 x 10 in. or 3 x 4 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	9 feet	7 feet	6 ft. 6 in.
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

Independent Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load	25 lbs/ft ²	25 lbs/ft ²	50 lbs/ft ²	75 lbs/ft ²
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 4 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet
Maximum (transverse)	6 feet	10 feet	8 feet	8 feet
Runners	1 1/4 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. (rough)	2 x 10 in.
6 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	2 x 10 in. (rough)
8 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	
10 feet	3 x 4 in.	2 x 6 in. (rough) or 3 x 3 in.	2 x 10 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	7 feet	6 feet	6 feet
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

(b) Tube and coupler scaffolds.

Minimum Size of Members			
	Light duty	Medium duty	Heavy duty
Maximum intended load	25 lbs/ft ²	50 lbs/ft ²	75 lbs/ft ²
Posts, runners and braces	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.

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Minimum Size of Members			
	Light duty	Medium duty	Heavy duty
Bearers	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 10 ft.	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 7 ft. or Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 8 ft. (*).	Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 6 ft.
Maximum runner spacing vertically	6 ft. 6 in.	6 ft. 6 in.	6 ft. 6 in.

(*). Bearers must be installed in the direction of the shorter dimension.

Note: Longitudinal diagonal bracing must be installed at an angle of 45 deg. (+/- 5 deg.).

Maximum Number of Planked Levels

Maximum number of additional planked levels

	Light duty	Medium duty	Heavy duty	Maximum height of scaffold (in feet)
Duty Number of Working Levels:				
1	16	11	6	125
2	11	1	0	125
3	6	0	0	125
4	1	0	0	125

(c) "Fabricated frame scaffolds." Because of their pre-fabricated nature, no additional guidelines or tables for these scaffolds are being adopted in this Appendix.

(d) "Plasterers', decorators', and large area scaffolds." The guidelines for pole scaffolds or tube and coupler scaffolds (Appendix A (a) and (b)) may be applied.

(e) "Bricklayers' square scaffolds."

Maximum intended load: 50 lb/ft.(2)(*)

Footnote(*): The squares must be set not more than 8 feet apart for light duty scaffolds and not more than 5 feet apart for medium duty scaffolds.

Maximum width: 5 ft.

Maximum height: 5 ft.

Gussets: 1 x 6 in.

Braces: 1 x 8 in.

Legs: 2 x 6 in.

Bearers (horizontal members): 2 x 6 in.

(f) Horse scaffolds.

Maximum intended load (light duty): 25 lb/ft.(2)(**)

Footnote(**): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Maximum intended load (medium duty): 50 lb/ft.(2)(**)

Footnote(**): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Horizontal members or bearers:

Light duty: 2 x 4 in.

Medium duty: 3 x 4 in.

Legs: 2 x 4 in.

Longitudinal brace between legs: 1 x 6 in.

Gusset brace at top of legs: 1 x 8 in.

Half diagonal braces: 2 x 4 in.

(g) "Form scaffolds and carpenters' bracket scaffolds."

(1) Brackets must consist of a triangular-shaped frame made of wood with a cross-section not less than 2 inches by 3 inches, or of 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron.

(2) Bolts used to attach brackets to structures must not be less than 5/8 inches in diameter.

(3) Maximum bracket spacing must be 8 feet on centers.

(4) No more than two employees must occupy any given 8 feet of a bracket or form scaffold at any one time. Tools and materials must not exceed 75 pounds in addition to the occupancy.

(5) Wooden figure-four scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers (two): 1 x 6 in.

Braces: 1 x 6 in.

Maximum length of bearers (unsupported): 3 ft. 6 in.

(i) Outrigger bearers must consist of two pieces of 1 x 6 inch lumber nailed on opposite sides of the vertical support.

(ii) Bearers for wood figure-four brackets must project not more than 3 feet 6 inches from the outside of the form support, and must be braced and secured to prevent tipping or turning. The knee or angle brace must intersect the bearer at least 3 feet from the form at an angle of approximately 45 degrees, and the lower end must be nailed to a vertical support.

(6) Metal bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 inch

Bearers: As designed.

Braces: As designed.

(7) Wood bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers: 2 x 6 in.

Maximum scaffold width: 3 ft. 6 in.

Braces: 1 x 6 in.

(h) "Roof bracket scaffolds." No specific guidelines or tables are given.

(i) "Outrigger scaffolds (single level)." No specific guidelines or tables are given.

(j) "Pump jack scaffolds." Wood poles must not exceed 30 feet in height. Maximum intended load — 500 lbs between poles; applied at the center of the span. Not more than two employees must be on a pump jack scaffold at one time between any two supports. When 2 x 4's are spliced together to make a 4 x 4 inch wood pole, they must be spliced with "10 penny" common nails no more than 12 inches center to center, staggered uniformly from the opposite outside edges.

(k) "Ladder jack scaffolds." Maximum intended load — 25 lb/ft(2). However, not more than two employees must

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occupy any platform at any one time. Maximum span between supports must be 8 feet.

(l) "Window jack scaffolds." Not more than one employee must occupy a window jack scaffold at any one time.

(m) "Crawling boards (chicken ladders)." Crawling boards must be not less than 10 inches wide and 1 inch thick, with cleats having a minimum 1 x 1 1/2 inch cross-sectional area. The cleats must be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches.

(n) "Step, platform, and trestle ladder scaffolds." No additional guidelines or tables are given.

(o) "Single-point adjustable suspension scaffolds." Maximum intended load — 250 lbs. Wood seats for boat-swains' chairs must be not less than 1 inch thick if made of nonlaminated wood, or 5/8 inches thick if made of marine quality plywood.

(p) "Two-point adjustable suspension scaffolds."

(1) In addition to direct connections to buildings (except window cleaners' anchors) acceptable ways to prevent scaffold sway include angulated roping and static lines. Angulated roping is a system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building. Static lines are separate ropes secured at their top and bottom ends closer to the plane of the building face than the outermost edge of the platform. By drawing the static line taut, the platform is drawn against the face of the building.

(2) On suspension scaffolds designed for a working load of 500 pounds, no more than two employees must be permitted on the scaffold at one time. On suspension scaffolds with a working load of 750 pounds, no more than three employees must be permitted on the scaffold at one time.

(3) Ladder-type platforms. The side stringer must be of clear straight-grained spruce. The rungs must be of straight-grained oak, ash, or hickory, at least 1 1/8 inches in diameter, with 7/8 inch tenons mortised into the side stringers at least 7/8 inch. The stringers must be tied together with tie rods not less than 1/4 inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips must be spaced not more than 5/8 inch apart, except at the side rails where the space may be 1 inch. Ladder-type platforms must be constructed in accordance with the following table:

Schedule for Ladder-Type Platforms

Length of Platform	12 feet	14 & 16 feet	18 & 20 feet
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 2 3/4 in.	1 3/4 x 2 3/4 in.	1 3/4 x 3 in.
At middle	1 3/4 x 3 3/4 in.	1 3/4 x 3 3/4 in.	1 3/4 x 4
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		

Length of Platform	12 feet	14 & 16 feet	18 & 20 feet
Tie rods: Number (minimum)	3	4	4
Diameter (minimum)	1/4 inch	1/4 inch	1/4 inch
Flooring, minimum finished size	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.
Length of Platform	22 & 24 ft.	28 & 30 ft.	
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 3 in.	1 3/4 x 3 1/2 in.	
At middle	1 3/4 x 4 1/4 in.	1 3/4 x 5 in.	
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		
Tie rods: Number (minimum)	5	6	
Diameter (minimum)	1/4 in.	1/4 in.	
Flooring, minimum finished size	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.	

(4) Plank-Type Platforms. Plank-type platforms must be composed of not less than nominal 2 x 8 inch unspliced planks, connected together on the underside with cleats at intervals not exceeding 4 feet, starting 6 inches from each end. A bar or other effective means must be securely fastened to the platform at each end to prevent the platform from slipping off the hanger. The span between hangers for plank-type platforms must not exceed 10 feet.

(5) Beam-Type Platforms. Beam platforms must have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers must not exceed 12 feet when beam platforms are used. The flooring must be supported on 2 x 6 inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed to the cross beams. Floor-boards must not be spaced more than 1/2 inch apart.

(q)(1) "Multi-point adjustable suspension scaffolds and stonemasons' multi-point adjustable suspension scaffolds." No specific guidelines or tables are given for these scaffolds.

(q)(2) "Masons' multi-point adjustable suspension scaffolds." Maximum intended load — 50 lb/ft(2). Each outrigger beam must be at least a standard 7 inch, 15.3 pound steel I-beam, at least 15 feet long. Such beams must not project more than 6 feet 6 inches beyond the bearing point. Where the overhang exceeds 6 feet 6 inches, outrigger beams must be composed of stronger beams or multiple beams.

(r) "Catenary scaffolds."

(1) Maximum intended load — 500 lbs.

(2) Not more than two employees must be permitted on the scaffold at one time.

PROPOSED

(3) Maximum capacity of come-along must be 2,000 lbs.
 (4) Vertical pickups must be spaced not more than 50 feet apart.

(5) Ropes must be equivalent in strength to at least 1/2 inch (1.3 cm) diameter improved plow steel wire rope.

(s) "Float (ship) scaffolds."

(1) Maximum intended load — 750 lbs.

(2) Platforms must be made of 3/4 inch plywood, equivalent in rating to American Plywood Association Grade B-B, Group I, Exterior.

(3) Bearers must be made from 2 x 4 inch, or 1 x 10 inch rough lumber. They must be free of knots and other flaws.

(4) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(t) "Interior hung scaffolds."

Bearers (use on edge): 2 x 10 in.

Maximum intended load: Maximum span

25 lb/ft.(2): 10 ft.

50 lb/ft.(2): 10 ft.

75 lb/ft.(2): 7 ft.

(u) "Needle beam scaffolds."

Maximum intended load: 25 lb/ft.(2)

Beams: 4 x 6 in.

Maximum platform span: 8 ft.

Maximum beam span: 10 ft.

(1) Ropes must be attached to the needle beams by a scaffold hitch or an eye splice. The loose end of the rope must be tied by a bowline knot or by a round turn and a half hitch.

(2) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(v) "Multi-level suspension scaffolds." No additional guidelines or tables are being given for these scaffolds.

(w) "Mobile scaffolds." Stability test as described in the ANSI A92 series documents, as appropriate for the type of scaffold, can be used to establish stability for the purpose of WAC 296-24-86015 (23)(f)(ii).

(x) "Repair bracket scaffolds." No additional guidelines or tables are being given for these scaffolds.

(y) "Stilts." No specific guidelines or tables are given.

(z) "Tank builder's scaffold."

(1) The maximum distance between brackets to which scaffolding and guardrail supports are attached must be no more than 10 feet 6 inches.

(2) Not more than three employees must occupy a 10 feet 6 inch span of scaffold planking at any time.

(3) A taut wire or synthetic rope supported on the scaffold brackets must be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with WAC 296-24-86010 (7)(d), must be installed in order to reduce that open space to less than 12 inches (30.48 cm).

(4) Scaffold planks of rough full-dimensioned 2-inch (5.1 cm) x 12-inch (30.5 cm) Douglas Fir or Southern Yellow Pine of Select Structural Grade must be used. Douglas Fir

planks must have a fiber stress of at least 1900 lb/in(2) (130,929 n/cm(2)) and a modulus of elasticity of at least 1,900,000 lb/in(2) (130,929,000 n/cm(2)), while Yellow Pine planks must have a fiber stress of at least 2500 lb/in(2) (172,275 n/cm(2)) and a modulus of elasticity of at least 2,000,000 lb/in(2) (137,820,000 n/cm(2)).

(5) Guardrails must be constructed of a taut wire or synthetic rope, and must be supported by angle irons attached to brackets welded to the steel plates. These guardrails must comply with WAC 296-24-86010 (7)(d) guardrail supports must be located at no greater than 10 feet 6 inch intervals.

Nonmandatory Appendix C to Part J-2, List of National Consensus Standards.

ANSI/SIA A92.2-1990 Vehicle-Mounted Elevating and Rotating Aerial Devices

ANSI/SIA A92.3-1990 Manually Propelled Elevating Aerial Platforms

ANSI/SIA A92.5-1990 Boom Supported Elevating Work Platforms

ANSI/SIA A92.6-1990 Self-Propelled Elevating Work Platforms

ANSI/SIA A92.7-1990 Airline Ground Support Vehicle-Mounted Vertical Lift Devices

ANSI/SIA A92.8-1993 Vehicle-Mounted Bridge Inspection and Maintenance Devices

ANSI/SIA A92.9-1993 Mast-Climbing Work Platforms

Nonmandatory Appendix D to Part J-2, List of Training Topics for Scaffold Erectors and Dismantlers.

This Appendix D is provided to serve as a guide to assist employers when evaluating the training needs of employees erecting or dismantling supported scaffolds.

The Agency believes that employees erecting or dismantling scaffolds should be trained in the following topics:

- *General Overview of Scaffolding
- *regulations and standards
- *erection/dismantling planning
- *PPE and proper procedures
- *fall protection
- *materials handling
- *access
- *working platforms
- *foundations
- *guys, ties and braces
- *Tubular Welded Frame Scaffolds
- *specific regulations and standards
- *components
- *parts inspection
- *erection/dismantling planning
- *guys, ties and braces
- *fall protection
- *general safety
- *access and platforms
- *erection/dismantling procedures
- *rolling scaffold assembly
- *putlogs
- *Tube and Clamp Scaffolds
- *specific regulations and standards
- *components
- *parts inspection

PROPOSED

- *erection/dismantling planning
- *guys, ties and braces
- *fall protection
- *general safety
- *access and platforms
- *erection/dismantling procedures
- *buttresses, cantilevers, & bridges
- *System Scaffolds
- *specific regulations and standards
- *components
- *parts inspection
- *erection/dismantling planning
- *guys, ties and braces
- *fall protection
- *general safety
- *access and platforms
- *erection/dismantling procedures
- *buttresses, cantilevers, & bridges

Scaffold erectors and dismantlers should all receive the general overview, and, in addition, specific training for the type of supported scaffold being erected or dismantled.

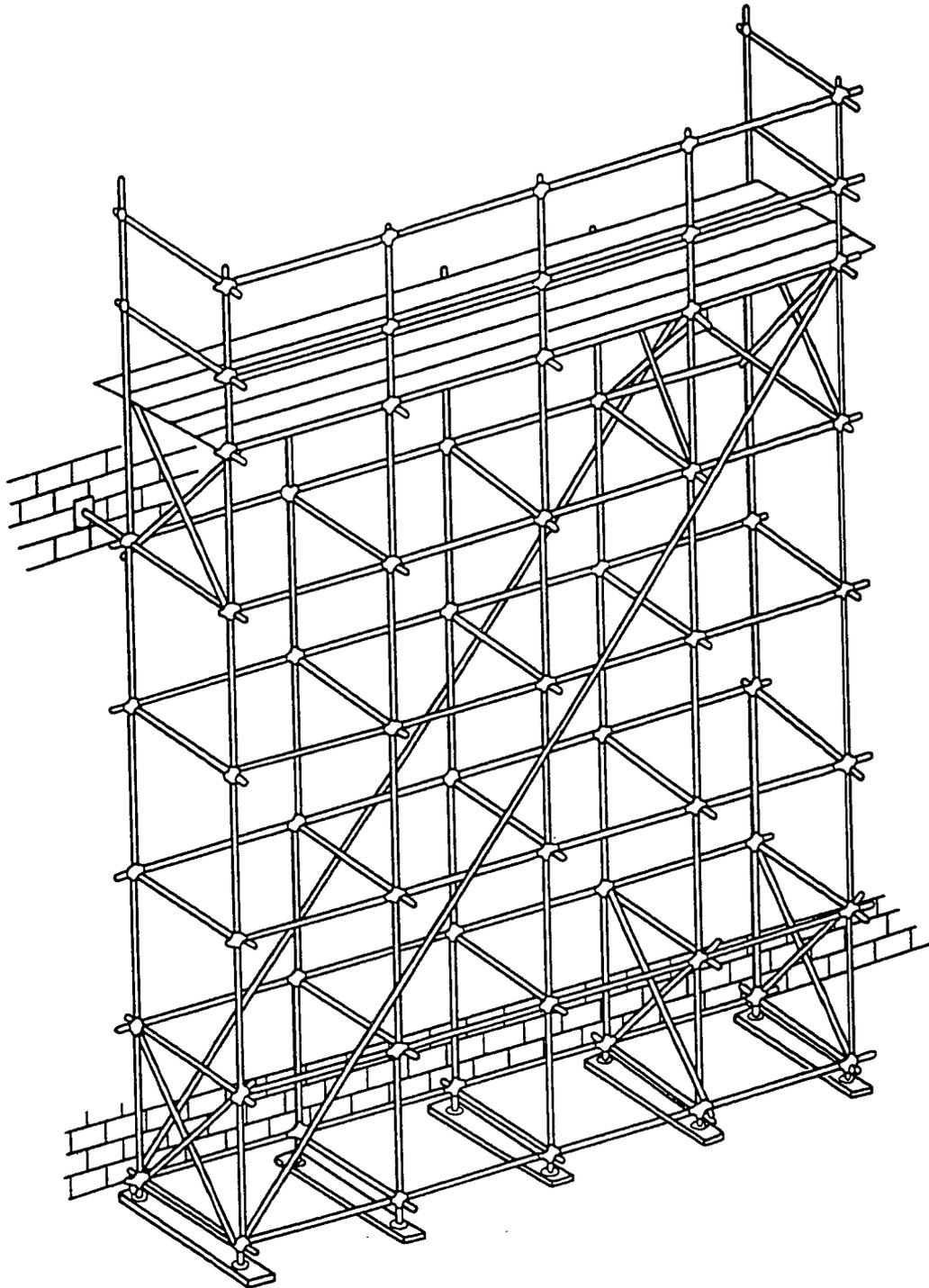
Nonmandatory Appendix E to Part J-2, Drawings and Illustrations.

This Appendix provides drawings of particular types of scaffolds and scaffold components, and graphic illustrations of bracing patterns and tie spacing patterns.

This Appendix is intended to provide visual guidance to assist the user in complying with the requirements of Part J-2, chapter 296-24 WAC.

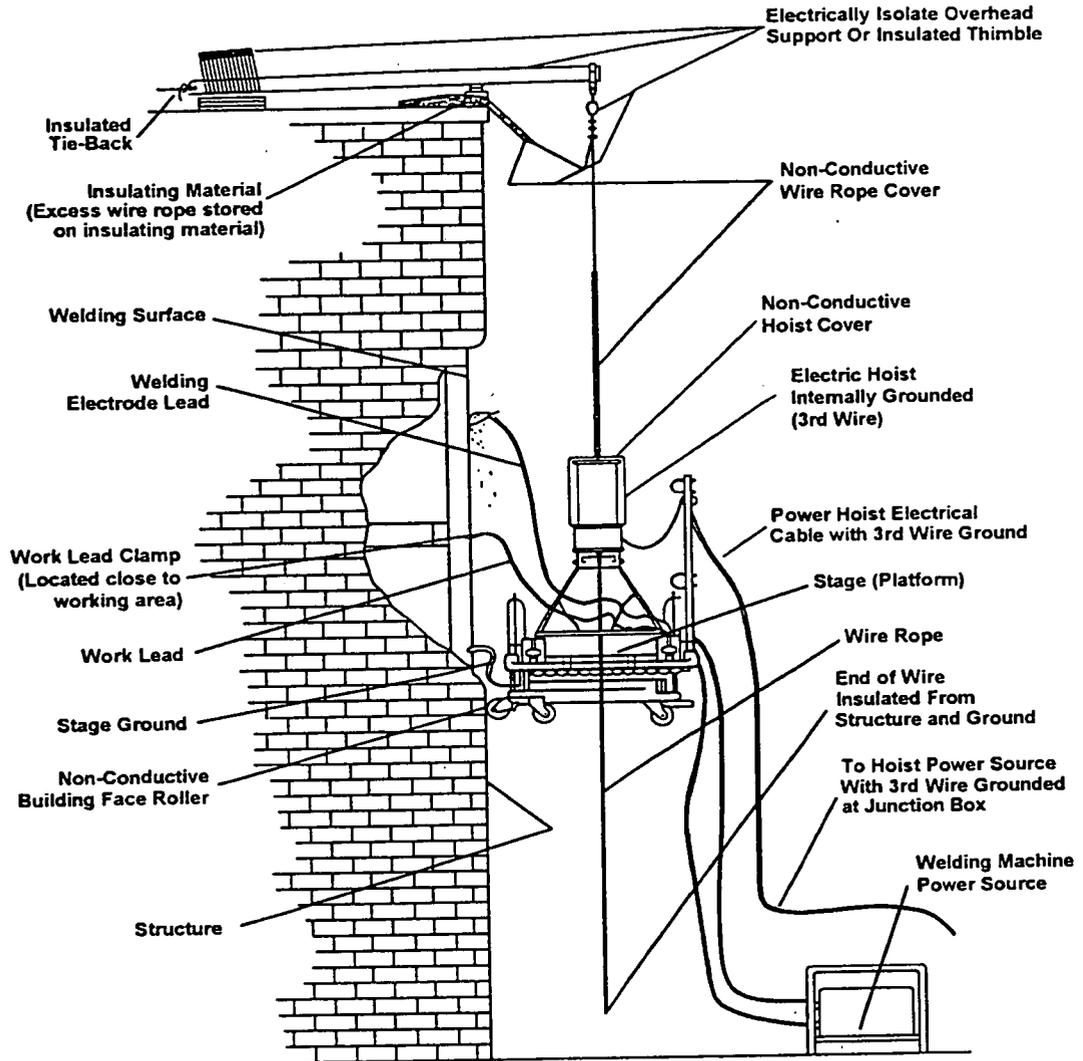
PROPOSED

BRACING-TUBE & COUPLER SCAFFOLDS



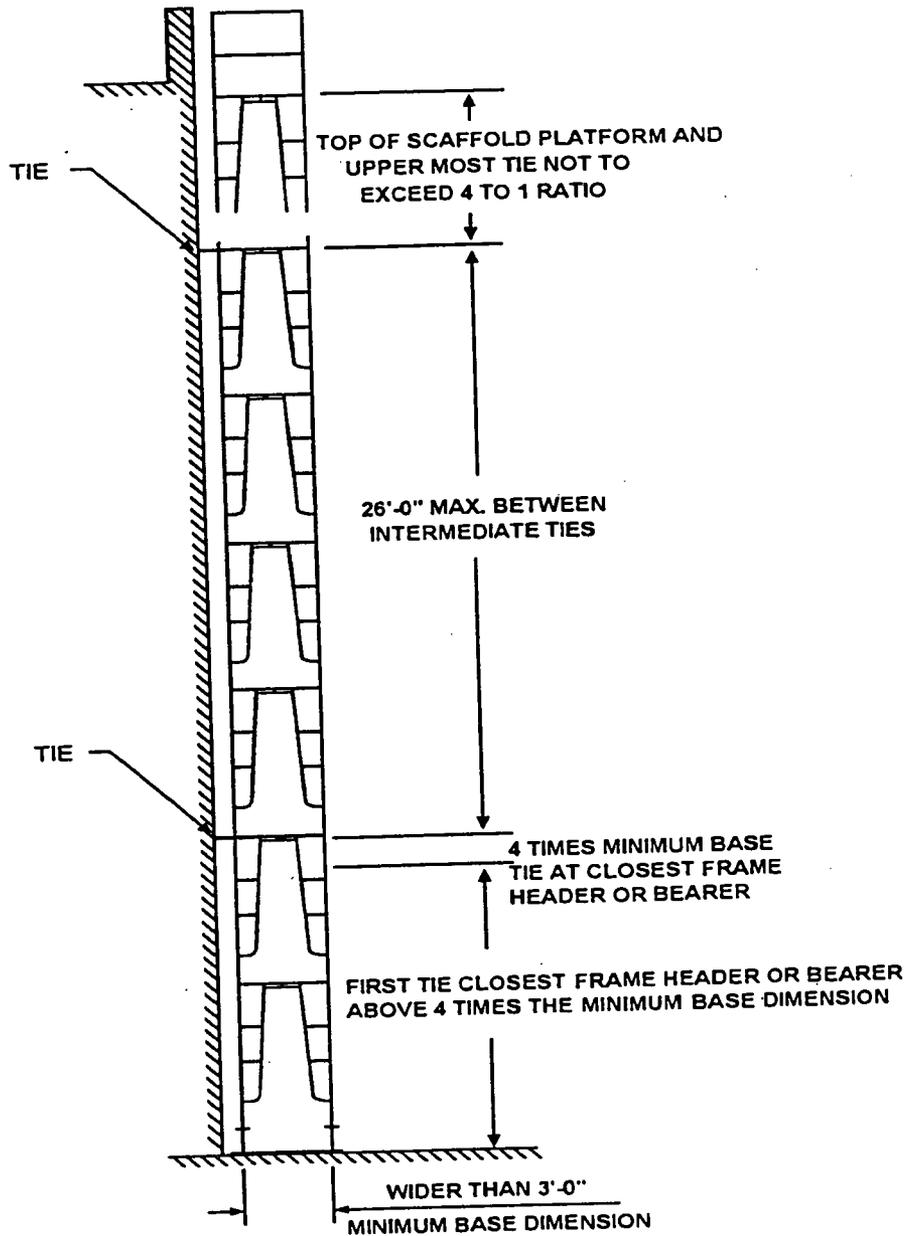
PROPOSED

SUSPENDED SCAFFOLD PLATFORM WELDING PRECAUTIONS



PROPOSED

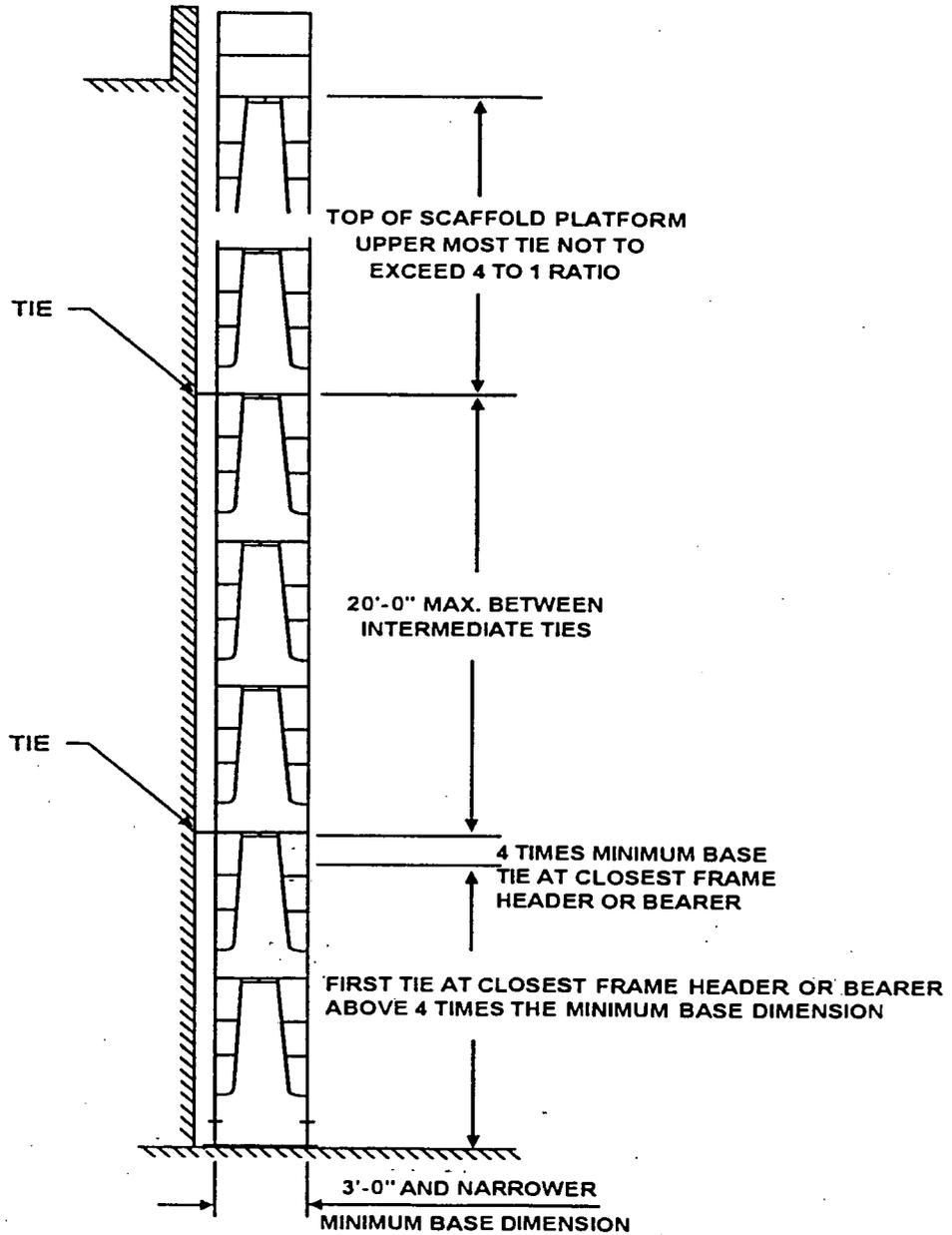
MAXIMUM VERTICAL TIE SPACING WIDER THAN 3'-0" BASES



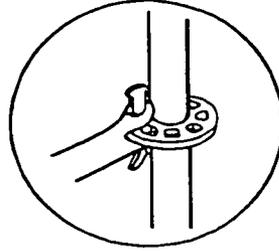
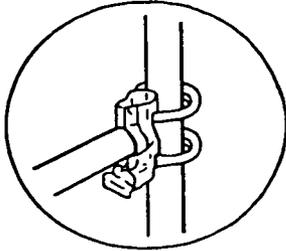
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MAXIMUM VERTICAL TIE SPACING 3'-0" AND NARROWER BASES

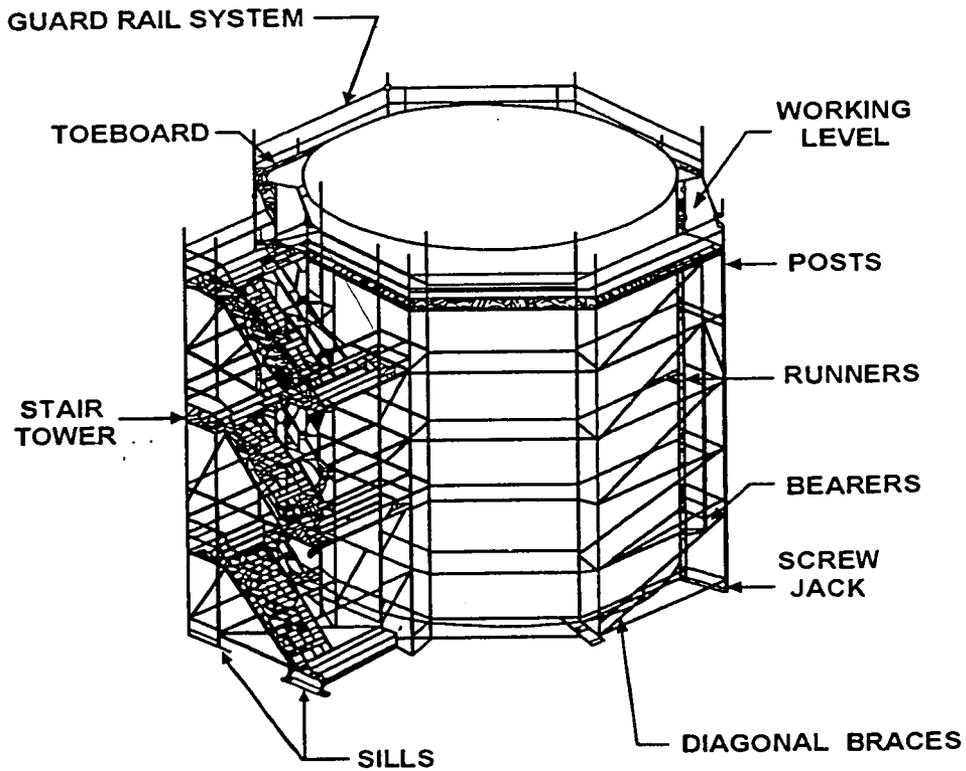
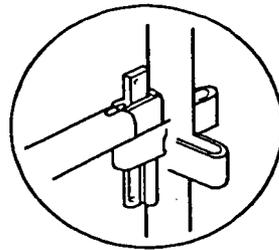
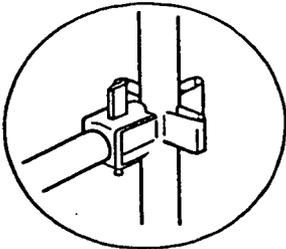
PROPOSED



SYSTEM SCAFFOLD



JOINT CONNECTIONS
VARY ACCORDING
TO MANUFACTURER



PROPOSED

SPIB® DNS IND 65
K019 S-DRY (7)
SCAFFOLD PLANK

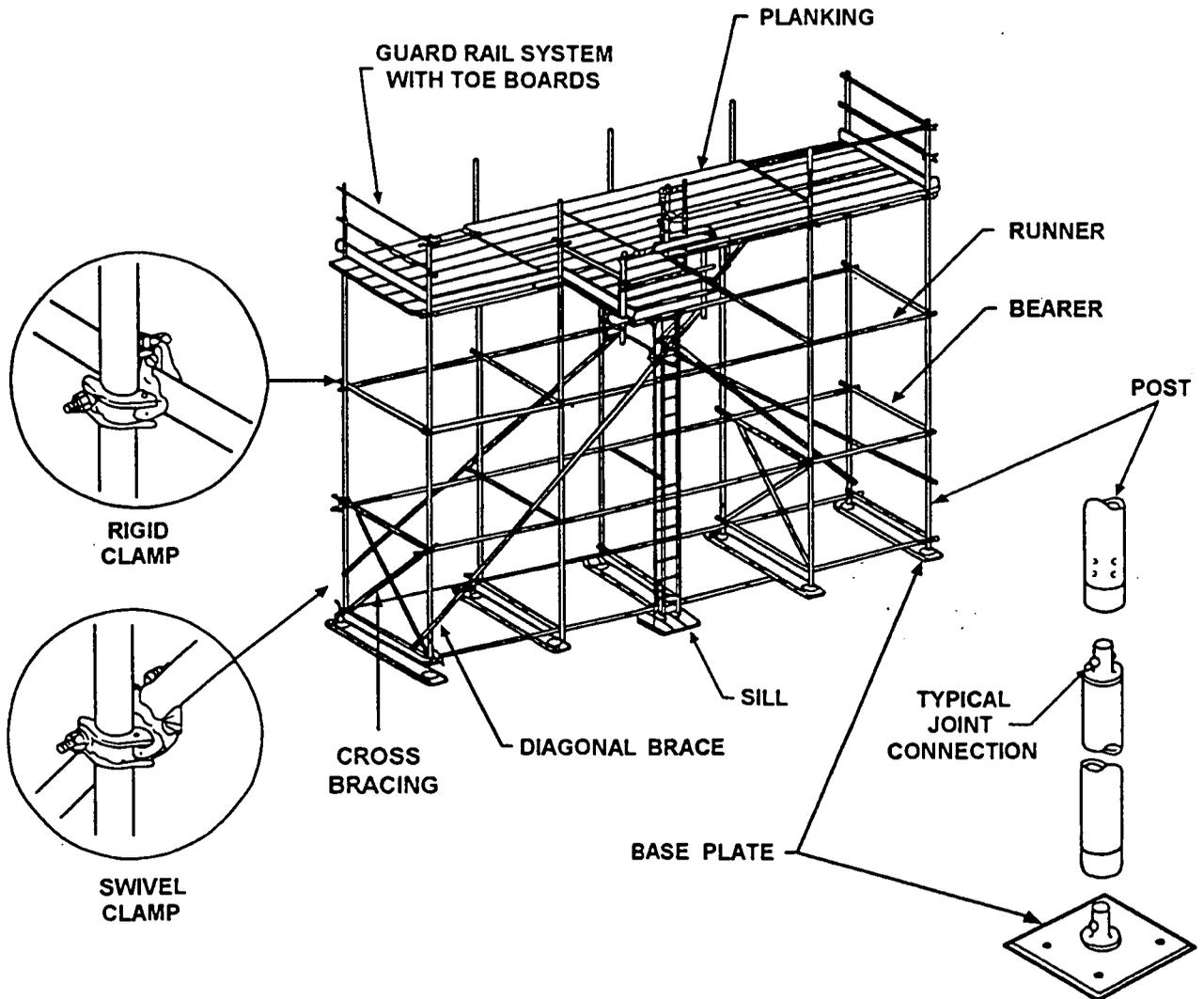
MILL 10
WC LB SEL STR
SCAF PLK
D. FIR S. DRY

Grade stamp courtesy of Southern Pine Inspection Bureau

Grade stamp courtesy of West Coast Lumber Inspection Bureau

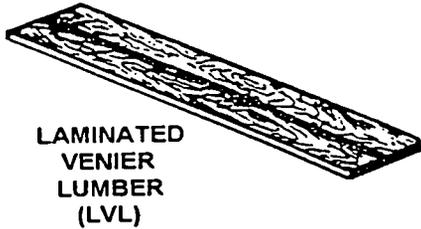
PROPOSED

TUBE AND COUPLER SCAFFOLD

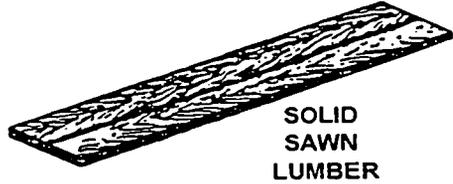


NOTE: ALL TIES SHOULD BE LOCATED AT CLAMP LOCATIONS.

SCAFFOLDING WORK SURFACES

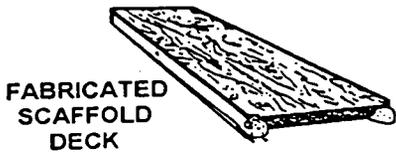


LAMINATED
VENIER
LUMBER
(LVL)



SOLID
SAWN
LUMBER

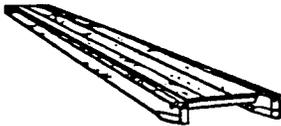
SCAFFOLD PLANKS



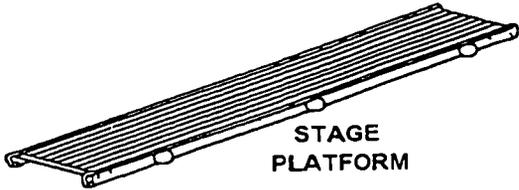
FABRICATED
SCAFFOLD
DECK



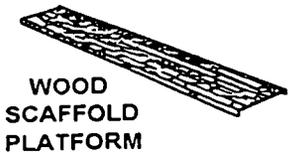
FABRICATED
SCAFFOLD
PLANK



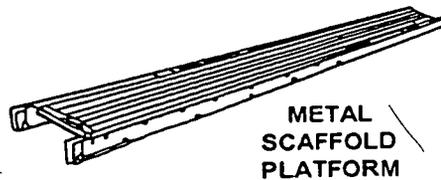
DECORATOR PLANK



STAGE
PLATFORM



WOOD
SCAFFOLD
PLATFORM

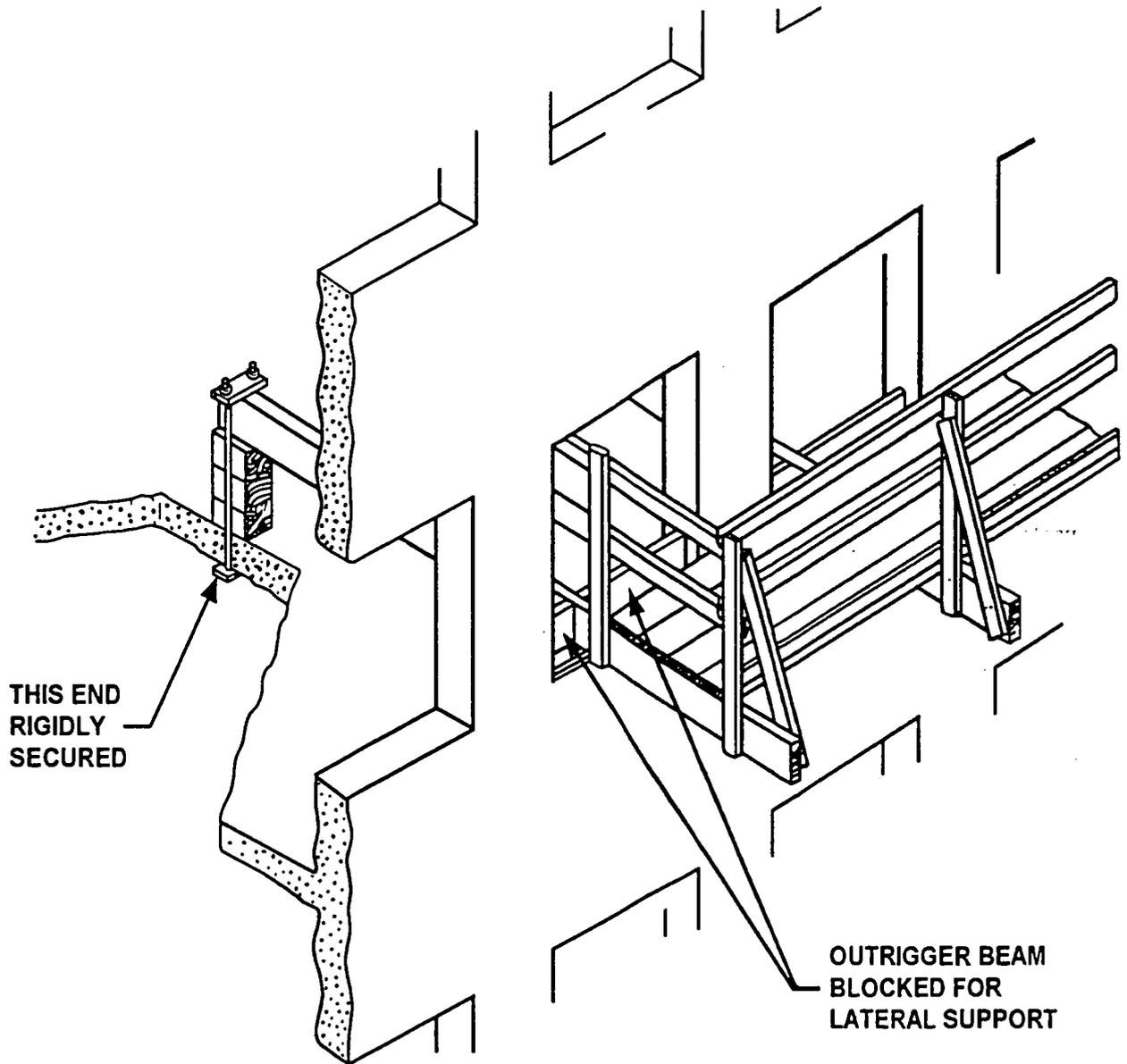


METAL
SCAFFOLD
PLATFORM

PROPOSED

OUTRIGGER SCAFFOLD

PROPOSED



PART J-3 POWERED PLATFORMS

NEW SECTION

WAC 296-24-875 Elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms must be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, must be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, must not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface must also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability must be clearly outlined in the special warnings section of the operating instructions and users must follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions must require their use and such outriggers or stabilizers must be provided and used.

(e) The platform width must not be less than eighteen inches and must be provided with a surface to minimize slipping.

(f) The platform must be provided with a guardrail or other structure around its upper periphery and the guardrail must be at least thirty-eight inches high but no more than forty-five inches high, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system must be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail must withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts must withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform must be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform must include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way must have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs must be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform must have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components must have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above must apply.

(f) The control system must be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(7) Directional controls.

(a) All directional controls must be marked for the direction they control and must be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls must be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines must be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems must comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system must be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform must be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information must be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer must clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard must be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) must be provided with each work platform and must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load must be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers' responsibilities must be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel must be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition must be removed from service until repaired.

(d) Repairs must be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators must be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms must be made only with written permission of the manufacturer or any other equivalent entity.

NEW SECTION

WAC 296-24-87505 Self-propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms must be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms must not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform must have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) must have a structural safety factor of not

less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests must be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground must sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test must include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit must use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks must prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks must also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure must be provided around its upper periphery, which must be at least thirty-eight inches high but no more than forty-five inches high, a mid-rail, and toeboards which must be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform must have a minimum width of eighteen inches. Proper access must be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface must be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains must not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems must have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components must have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform must be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) Directional controls must move in the direction of the function they control. The controls must be of the type that automatically return to the off or the neutral position when released.

(b) Such controls must be protected against inadvertent operation and must be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a minimum. They must be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers. The lines must be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform must be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information must be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer must clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard must be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load must be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform must be provided with an appropriate manual. The manual must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition must be removed from service until it is repaired.

(c) All repairs must be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it must be given a thorough inspection, which must include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection must be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items must be corrected before further use of the work platform.

(e) Before the work platform is used, the operator must survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

- (iii) Dropoffs or holes.
- (iv) Bumps and floor obstructions.
- (v) Debris.
- (vi) Overhead obstructions and high-voltage conductors.
- (vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform must be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits must never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator must limit travel speed according to conditions. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height must be prohibited.

(g) The operator must immediately report defects or malfunctions which become evident during operation and must stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks must be prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks must not be filled while the engine is running. Spillage must be avoided.

(17) Batteries must not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms must be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

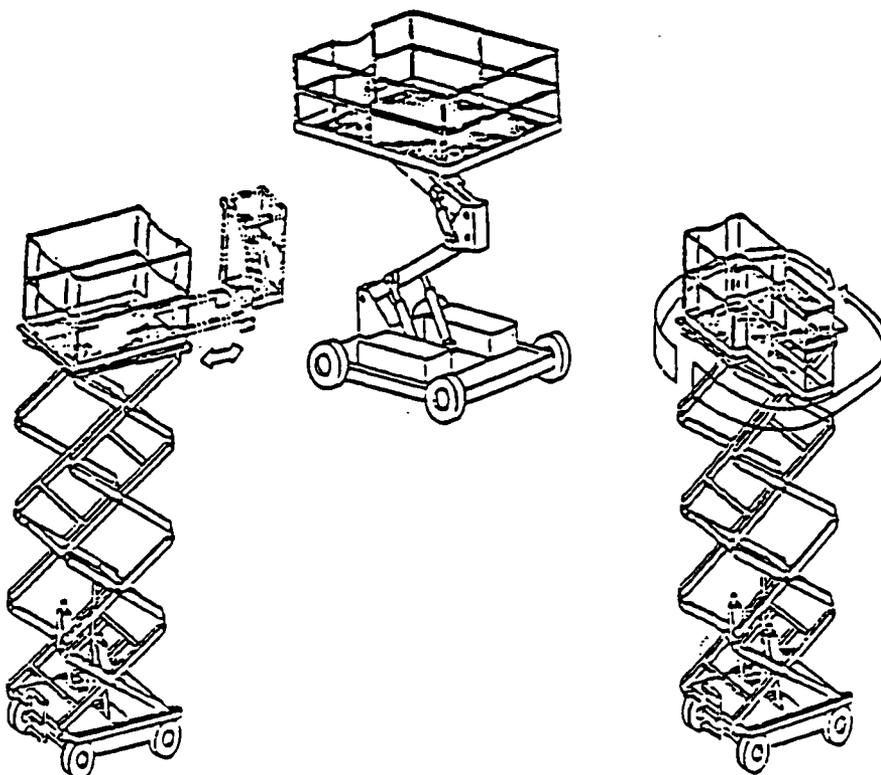


Fig. 1
Examples of Work Platforms

NEW SECTION

WAC 296-24-87510 Boom supported elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms must be in accordance with ANSI A92.5-1992.

(2) Minimum rated work load. The minimum rated work load of a work platform must be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings must include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings must have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer must install means by which that angle can be determined. Such means

must be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform must have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking must have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor must be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress must include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1992.

(5) Platform stability.

(a) Each work platform must be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from

the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform must sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load must be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

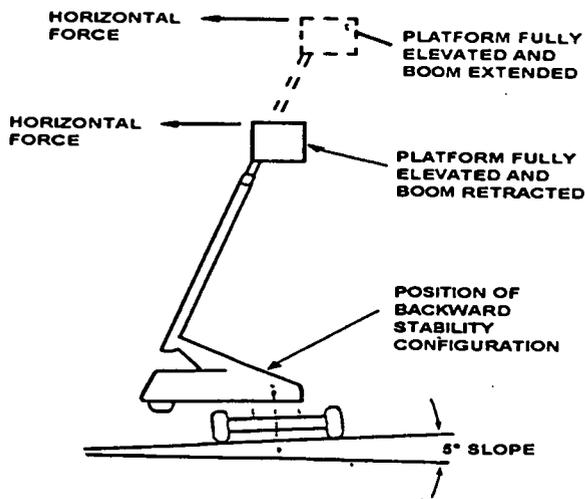
(ii) The work platform must remain stable during this test.

(iii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform must be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.



(6) Work platform design requirement. The work platform must be provided with a guardrail or other structure at

least thirty-eight inches high but no more than forty-five inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces must be skid resistant.

(b) Attachment points must be provided for a full body harness and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms must have both primary and secondary controls.

(a) Primary controls must be readily accessible to the operator on the platform.

(b) Secondary controls must be designed to override the primary controls and must be readily accessible from ground level.

(c) Both primary and secondary controls must be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls must move in the direction of the function which they control when possible, and must be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls must be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks must be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits must ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms must be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms must be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms must be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems must have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components must have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers and must be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There must be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives must be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard must be stated.

(h) The rated work load must be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform must be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition must be removed from service until repaired.

(c) All repairs must be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform must be inspected for defects that would affect its safe operation and use. The inspection must consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items must be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items must be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site must be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform must be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1990 and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load must never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator must limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer must be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform for achieving additional height must be prohibited.

(g) The operators must immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation must be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks must not be filled while the engine is running. Caution must be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries must not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There must be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1992 and this standard.

NEW SECTION

WAC 296-24-87515 Aerial lifts. (1) "General requirements."

(a) Unless otherwise provided in this section, aerial lifts acquired for use on or after January 22, 1973, must be designed and constructed in conformance with the applicable

requirements of the American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including Appendix. Aerial lifts acquired before January 22, 1973, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they must have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to job-sites above ground:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any such devices. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(2) "Specific requirements."

(a) Ladder trucks and tower trucks:

(i) Aerial ladders must be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(ii) A full body harness must be worn and a lanyard attached to the ladder rail or tower when working from ladder trucks or tower trucks.

(b) Extensible and articulating boom platforms.

(i) Lift controls must be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons must operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift must not be permitted.

(iv) Employees must always stand firmly on the floor of the basket, and must not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A full body harness must be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer must not be exceeded.

(vii) The brakes must be set and when outriggers are used, they must be positioned on pads or a solid surface. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck must not be moved when the boom is elevated in a working position with workers in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subsection (1)(a) and (b) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, must have both plat-

form (upper) and lower controls. Upper controls must be in or beside the platform within easy reach of the operator. Lower controls must provide for overriding the upper controls. Controls must be plainly marked as to their function. Lower level controls must not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers must not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift must not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) must be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in (b)(viii) of this subsection.

(c) Electrical tests. All electrical tests must conform to the requirements of ANSI A92.2-1990 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in ANSI A92.2-1990; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity must be considered an equivalent test for the purpose of this subsection (2)(c).

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1990, section 4.9 Bursting Safety Factor must apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components must have a bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding must conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

Note: Nonmandatory Appendix C to this part lists examples of national consensus standards that are considered to provide employee protection equivalent to that provided through the application of ANSI A92.2-1990, where appropriate. Copies may be obtained from the American National Standards Institute.

NEW SECTION

WAC 296-24-880 Power platforms for exterior building maintenance. (1) Scope. This section covers powered platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures. This section does not apply to suspended scaffolds (swinging scaffolds) used to service buildings on a temporary basis and covered under Part J-2 of this chapter, nor to suspended scaffolds used for construction work and covered under Part J-1 of chapter 296-155 WAC. Building maintenance includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing, and reglazing.

(2) Application.

(a) New installations. This section applies to all permanent installations completed after July 23, 1990. Major modifications to existing installations completed after that date are also considered new installations under this section.

(b) Existing installations.

(i) Permanent installations in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and 296-24-88050.

(ii) In addition, permanent installations completed after August 27, 1971, and in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88055.

(3) Assurance.

(a) Building owners of new installations must inform the employer before each use in writing that the installation meets the requirements of WAC 296-24-88015(1) and 296-24-88020(1) and the additional design criteria contained in other provisions of WAC 296-24-88015 and 296-24-88020 relating to: Required load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(b) Building owners must base the information required in (a) of this subsection on the results of a field test of the installation before being placed into service and following any major alteration to an existing installation, as required in WAC 296-24-88010(1). The assurance must also be based on all other relevant available information, including, but not limited to, test data, equipment specifications and verification by a registered professional engineer.

(c) Building owners of all installations, new and existing, must inform the employer in writing that the installation has been inspected, tested and maintained in compliance with the requirements of WAC 296-24-88010 and 296-24-88025 and that all protection anchorages meet the requirements of WAC 296-24-88050 (3)(j), Appendix C.

(d) The employer shall not permit employees to use the installation prior to receiving assurance from the building owner that the installation meets the requirements contained in (a) and (c) of this subsection.

NEW SECTION

WAC 296-24-88005 Definitions. Anemometer. An instrument for measuring wind velocity.

Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

ANSI. American National Standards Institute.

Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

Brake-disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

PROPOSED

Brake-self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

Brake-shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

Certification. A written, signed, and dated statement confirming the performance of a requirement of this section.

Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

Competent person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

Equivalent. Alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

Guide button. A building face anchor designed to engage a guide track mounted on a platform.

Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

Hoisting machine. A device intended to raise and lower a suspended or supported unit.

Hoist rated load. The hoist manufacturer's maximum allowable operating load.

Installation. All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

Intermittent stabilization. A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

Lanyard. A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

Live load. The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

Obstruction detector. A control that will stop the suspended or supported unit in the direction of travel if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

Operating control. A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

Operating device. A pushbutton, lever, or other manual device used to actuate a control.

Outrigger. A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

Platform rated load. The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

Poured socket. The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

Primary brake. A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

Prime mover. The source of mechanical power for a machine.

Rated load. The manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

Rated strength. The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

Rated working load. The combined static weight of workers, materials, and suspended or supported equipment.

Registered professional engineer. A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

Roof rigged davit. A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

Rope. The equipment used to suspend a component of an equipment installation, i.e., wire rope.

Safe surface. A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

Secondary brake. A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

Speed reducer. A positive type speed reducing machine.

Stability factor. The ratio of the stabilizing moment to the overturning moment.

Stabilizer tie. A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

Supported equipment. Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

Suspended equipment. Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

Suspended scaffold (swinging scaffold). A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

Tail line. The nonsupporting end of the wire rope used to suspend the platform.

Tie-in guides. The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

Traction hoist. A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

Transportable outriggers. Outriggers designed to be moved from one work location to another.

Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

Trolley carriage. A carriage suspended from an overhead track structure.

Verified. Accepted by design, evaluation, or inspection by a registered professional engineer.

Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

Winding drum hoist. A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

Working platform. The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

Wrap. One complete turn of the suspension wire rope around the surface of a hoist drum.

Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

Zinc fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

NEW SECTION

WAC 296-24-88010 Inspections and tests. (1) Installations and alterations. All completed building maintenance equipment installations must be inspected and tested in the field before being placed in initial service to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test must be made following any major alteration to an

existing installation. No hoist in an installation must be subjected to a load in excess of 125 percent of its rated load.

(2) Periodic inspections and tests.

(a) Related building supporting structures must undergo periodic inspection by a competent person at intervals not exceeding 12 months.

(b) All parts of the equipment including control systems must be inspected, and, where necessary, tested by a competent person at intervals specified by the manufacturer/supplier, but not to exceed 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors must be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(c) The building owner must keep a certification record of each inspection and test required under (a) and (b) of this subsection. The certification record must include the date of the inspection, the signature of the person who performed the inspection, and the number, or other identifier, of the building support structure and equipment which was inspected. This certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(d) Working platforms and their components must be inspected by the employer for visible defects before every use and after each occurrence which could affect the platform's structural integrity.

(3) Maintenance, inspections and tests.

(a) A maintenance inspection and, where necessary, a test must be made of each platform installation every 30 days, or where the work cycle is less than 30 days such inspection and/or test must be made prior to each work cycle. This inspection and test must follow procedures recommended by the manufacturer, and must be made by a competent person.

(b) The building owner must keep a certification record of each inspection and test performed under (a) of this subsection. The certification record must include the date of the inspection and test, the signature of the person who performed the inspection and/or test, and an identifier for the platform installation which was inspected. The certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(4) Special inspection of governors and secondary brakes.

(a) Governors and secondary brakes must be inspected and tested at intervals specified by the manufacturer/supplier but not to exceed every 12 months.

(b) The results of the inspection and test must confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(c) The results of the inspection and test must confirm that the secondary brake is functioning properly.

(d) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components must be reinspected prior to returning the equipment installation to service.

(e) Inspection of governors and secondary brakes must be performed by a competent person.

(f) The secondary brake governor and actuation device must be tested before each day's use. Where testing is not feasible, a visual inspection of the brake must be made instead to ensure that it is free to operate.

(5) Adverse weather. The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) Suspension wire rope maintenance, inspection and replacement.

(a) Suspension wire rope must be maintained and used in accordance with procedures recommended by the wire rope manufacturer.

(b) Suspension wire rope must be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence which might affect the wire rope's integrity.

(c) A thorough inspection of suspension wire ropes in service must be made once a month. Suspension wire ropes that have been inactive for 30 days or longer must have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes must be performed by a competent person.

(d) The need for replacement of a suspension wire rope must be determined by inspection and must be based on the condition of the wire rope. Any of the following conditions or combination of conditions will be cause for removal of the wire rope:

(i) Broken wires exceeding three wires in one strand or six wires in one rope lay;

(ii) Distortion of rope structure such as would result from crushing or kinking;

(iii) Evidence of heat damage;

(iv) Evidence of rope deterioration from corrosion;

(v) A broken wire within 18 inches (460.8 mm) of the end attachments;

(vi) Noticeable rusting and pitting;

(vii) Evidence of core failure (a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter suggests core failure); or

(viii) More than one valley break (broken wire);

(ix) Outer wire wear exceeds one-third of the original outer wire diameter;

(x) Any other condition which the competent person determines has significantly affected the integrity of the rope.

(e) The building owner must keep a certification record of each monthly inspection of a suspension wire rope as required in subdivision (c) of this subsection. The record must include the date of the inspection, the signature of the person who performed the inspection, and a number, or other identifier, of the wire rope which was inspected. This record of inspection must be made available for review by the director or an authorized representative and by the employer.

(7) Hoist inspection. Before lowering personnel below the top elevation of the building, the hoist must be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

NEW SECTION

WAC 296-24-88015 Powered platform installations—Affected parts of buildings. (1) General requirements. The following requirements apply to affected parts of buildings which utilize working platforms for building maintenance.

(a) Structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) Exterior installations must be capable of withstanding prevailing climatic conditions;

(c) The building installation must provide safe access to, and egress from, the equipment and sufficient space to conduct necessary maintenance of the equipment;

(d) The affected parts of the building must have the capability of sustaining all the loads imposed by the equipment; and

(e) The affected parts of the building must be designed so as to allow the equipment to be used without exposing employees to a hazardous condition.

(2) Tie-in guides.

(a) The exterior of each building must be provided with tie-in guides unless the conditions in (b) or (c) of this subsection are met.

Note: See Figure 1 in Appendix B of this section for a description of a typical continuous stabilization system utilizing tie-in guides.

(b) If angulated roping is employed, tie-in guides required in (a) of this subsection may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building, if infeasible due to exterior building design, provided an angulation force of at least 10 pounds (44.4 n) is maintained under all conditions of loading.

(c) Tie-in guides required in (a) of this subsection may be eliminated if one of the guide systems in items (i), (ii), or (iii) of this subdivision is provided, or an equivalent.

(i) Intermittent stabilization system. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. The system may be used together with continuous positive building guide systems using tie-in guides on the same building, provided the requirements for each system are met.

(A) The maximum vertical interval between building anchors must be 3 floors or 50 feet (15.3 m), whichever is less.

(B) Building anchors must be located vertically so that attachment of the stabilizer ties will not cause the platform suspension ropes to angulate the platform horizontally across the face of the building. The anchors must be positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

(C) Building anchors must be easily visible to employees and must allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval. If more than two suspension ropes are used on a platform, only the two

building-side suspension ropes at the platform ends must require a stabilizer attachment.

(D) Building anchors which extend beyond the face of the building must be free of sharp edges or points. Where cables, suspension wire ropes and lifelines may be in contact with the building face, external building anchors must not interfere with their handling or operation.

(E) The intermittent stabilization system building anchors and components must be capable of sustaining without failure at least 4 times the maximum anticipated load applied or transmitted to the components and anchors. The minimum design wind load for each anchor must be 300 (1334 n) pounds, if 2 anchors share the wind load.

(F) The building anchors and stabilizer ties must be capable of sustaining anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on a building face. If the building anchors have different spacing than the suspension wire rope or if the building requires different suspension spacings on one platform, one building anchor and stabilizer tie must be capable of sustaining the wind loads.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(ii) Button guide stabilization system.

(A) Guide buttons must be coordinated with platform mounted equipment of WAC 296-24-88020 (5)(f).

(B) Guide buttons must be located horizontally on the building face so as to allow engagement of each of the guide tracks mounted on the platform.

(C) Guide buttons must be located in vertical rows on the building face for proper engagement of the guide tracks mounted on the platform.

(D) Two guide buttons must engage each guide track at all times except for the initial engagement.

(E) Guide buttons which extend beyond the face of the building must be free of sharp edges or points. Where cables, ropes and lifelines may be in contact with the building face, guide buttons must not interfere with their handling or operation.

(F) Guide buttons, connections and seals must be capable of sustaining without damage at least the weight of the platform, or provision must be made in the guide tracks or guide track connectors to prevent the platform and its attachments from transmitting the weight of the platform to the guide buttons, connections and seals. In either case, the minimum design load must be 300 pounds (1334 n) per building anchor.

Note: See WAC 296-24-88020 (5)(f) for relevant equipment provisions.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(iii) System utilizing angulated roping and building face rollers. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. This system is acceptable only where the suspended portion of the equipment in

use does not exceed 130 feet (39.6 m) above a safe surface or ground level, and where the platform maintains no less than 10 pounds (44.4 n) angulation force on the building facade.

(d) Tie-in guides for building interiors (atriums) may be eliminated when a registered professional engineer determines that an alternative stabilization system, including systems in (c)(i), (ii), and (iii) of this subsection, or a platform tie-off at each work station will provide equivalent safety.

(3) Roof guarding.

(a) Employees working on roofs while performing building maintenance must be protected by a perimeter guarding system which meets the requirements of WAC 296-24-75007(1).

(b) The perimeter guard must not be more than 6 inches (152 mm) inboard of the inside face of a barrier, i.e. the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location must not exceed an 18 inch (457 mm) setback from the exterior building face.

(4) Equipment stops. Operational areas for trackless type equipment must be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(5) Maintenance access. Means must be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage.

(6) Elevated track.

(a) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, must be provided with a walkway and guardrail system; or

(b) The working platform must be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and must be provided with a safe means of access and egress to the lower safe surface.

(7) Tie-down anchors. Imbedded tie-down anchors, fasteners, and affected structures must be resistant to corrosion.

(8) Cable stabilization.

(a) Hanging lifelines and all cables not in tension must be stabilized at each 200 foot (61 m) interval of vertical travel of the working platform beyond an initial 200 foot (61 m) distance.

(b) Hanging cables, other than suspended wire ropes, which are in constant tension must be stabilized when the vertical travel exceeds an initial 600 foot (183 m) distance, and at further intervals of 600 feet (183 m) or less.

(9) Emergency planning. A written emergency action plan must be developed and implemented for each kind of working platform operation. This plan must explain the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan must also include that employees be informed about the building emergency escape routes, procedures and alarm systems before operating a platform. Upon initial assignment and whenever the plan is changed the employer must review with each employee those parts of the plan which the employee must know to protect himself or herself in the event of an emergency.

(10) Building maintenance. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment must not affect the capability of the building to meet the requirements of this standard.

(11) Electrical requirements. The following electrical requirements apply to buildings which utilize working platforms for building maintenance.

(a) General building electrical installations must comply with chapter 296-24 WAC Part L, unless otherwise specified in this section;

(b) Building electrical wiring must be of such capacity that when full load is applied to the equipment power circuit not more than a five percent drop from building service vault voltage must occur at any power circuit outlet used by equipment regulated by this section;

(c) The equipment power circuit must be an independent electrical circuit that must remain separate from all other equipment within or on the building, other than power circuits used for hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment power circuit may also be connected to this system;

(d) The power circuit must be provided with a disconnect switch that can be locked in the "off" and "on" positions. The switch must be conveniently located with respect to the primary operating area of the equipment to allow the operators of the equipment access to the switch;

(e) The disconnect switch for the power circuit must be locked in the "on" position when the equipment is in use; and

(f) An effective two-way voice communication system must be provided between the equipment operators and persons stationed within the building being serviced. The communications facility must be operable and must be manned at all times by persons stationed within the building whenever the platform is being used.

NEW SECTION

WAC 296-24-88020 Powered platform installations—Equipment. (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design must provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service must be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service must be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections must be self-locking or must otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment must be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment must comply with the following:

(i) The horizontal movement of a carriage must be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages must not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface must not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs must be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage must be of a continuous pressure weatherproof type. Multiple controls when provided must be arranged to permit operation from only one control station at a time. An emergency stop device must be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) must be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages must be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning must not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value must include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation must be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning must be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, must be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, must be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage must be provided;

(xi) Safe access to and egress from the carriage must be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage must be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate must be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position must be identified by location markings and/or position indicators; and

(xiii) The motors must stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2).

(ii) Transportable outriggers must be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger must be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage must be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform must be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger must be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design must be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger must be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger must be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger must be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope must be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable must be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform must be from a safe surface. Access or egress must not require persons to climb over a building's parapet or guard railing; and

(B) The working platform must be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension must not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2);

(B) Access and egress to and from the working platform must only be from a safe surface below the point of suspension.

(iv) A rotating davit must not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) must be provided with a means for its transport, which must keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit must be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means must be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment must be performed only by a hoisting machine.

(b) Each hoisting machine must be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine must be powered only by air, electric or hydraulic sources.

(d) Flammable liquids must not be carried on the working platform.

(e) Each hoisting machine must be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine must be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines must be compatible with, and sized for, the wire rope used.

(h) Each winding drum must be provided with a positive means of attaching the wire rope to the drum. The attachment must be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine must be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake must be directly connected to the drive train of the hoisting machine, and must not be connected through belts, chains, clutches, or set screw type devices. The brake must automatically set when power to the prime mover is interrupted.

(ii) The secondary brake must be an automatic emergency type of brake that, if actuated during each stopping cycle, must not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it must stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning must be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, must be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component must be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit must be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit must be capable of remaining continuously stable under all conditions of use and position of the live load, and must maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers must be provided, and must compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit must be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-88015 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-88015 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-88015 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-88015 (2)(c)(iii).

(vii) Each working platform of a suspended unit must be provided with a guardrail system on all sides which must meet the following requirements:

(A) The system must consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail must not be less than 38 inches (950 mm) high and must be able to withstand at least a 200-pound (890 n) force in any downward or outward direction;

(C) The midrail must be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, must be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m²). The material must have all openings small enough

to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards must be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards must be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards must be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards must be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform must be not less than 24 inches (610 mm) wide and must be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring must be of a slip-resistant type and must contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it must be protected by placing a material under the opening which must prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform must be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform must be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform must be of the continuous-pressure type, and must be located on the platform.

(vi) Each operating station of every working platform must be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform must not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions must be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 must be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, must be provided by stairs, ladders, platforms and runways conforming to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC. Access gates must be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface must be provided with a guardrail system or ladder handrails that conform to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC.

(xii) The platform must be provided with a secondary wire rope suspension system if the platform contains over-

head structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline must be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device must be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device must be mounted in a secured compartment, and the compartment must be labeled with instructions for use. A means for opening the compartment must be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection must also apply to a single point working platform.

(ii) Each single point suspended working platform must be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms must comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building must be disconnected from a ground-rigged working platform, and the platform must be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie must be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and must be resistant to adverse environmental conditions.

(iii) The platform must be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers must not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms must allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire

rope. The specific attachment length must be maintained at all building anchor locations.

(vi) The platform must be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties must not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes must not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes must be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform must engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system must be provided with a storage position on the platform.

(iv) Each guide track on the platform must be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks must be mounted on the platform and must provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform must be capable of supporting the weight of the platform, or provision must be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment must maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means must be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes must be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides must be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment must comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation must use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoist-

ing machine used. Connections must be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope must have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and must be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F= Design factor

S= Manufacturer's rated strength of one suspension rope

N= Number of suspension ropes under load

W= Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade must be at least improved plow steel or equivalent.

(d) Suspension wire ropes must be sized to conform with the required design factor, but must not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays must be permitted.

(f) A corrosion-resistant tag must be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag must bear the following wire rope data:

(i) The diameter (inches and/or mm);

(ii) Construction classification;

(iii) Whether nonpreformed or preformed;

(iv) The grade of material;

(v) The manufacturer's rated strength;

(vi) The manufacturer's name;

(vii) The month and year the ropes were installed; and

(viii) The name of the person or company which installed the ropes.

(g) A new tag must be installed at each rope renewal.

(h) The original tag must be stamped with the date of the resocketing, or the original tag must be retained and a supplemental tag must be provided when ropes are resocketed. The supplemental tag must show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists must contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists must be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment must comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems must be of a type designed for use in exterior locations, and must be located so that they do not come into contact with accumulated snow or water.

(c) Cables must be protected against damage resulting from over-tensioning or from other causes.

(d) Devices must be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system must have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment must have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements must apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) must be provided and so connected that the operating devices for the suspended or supported equipment must be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection must be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector must be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch must only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels must be provided.

(h) Emergency stop switches must be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension must have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices must be coordinated with other overload settings at the time of design of the system, and must be clearly indicated on or near the device. The device must interrupt the equipment travel in the "down" direction.

NEW SECTION

WAC 296-24-88025 Maintenance. (1) General maintenance. All parts of the equipment affecting safe operation must be maintained in proper working order so that they may perform the functions for which they were intended. The

equipment must be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays must be kept clean.

(b) All other parts must be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings must be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes must conform to the requirements of WAC 296-24-88020(7).

(c) Limit switches affected by the resocketed ropes must be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes must be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment must be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a building must be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers must similarly be maintained in proper working order.

(7) Inoperative safety devices. No person must render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device must be restored to its normal operating condition.

NEW SECTION

WAC 296-24-88030 Operations. (1) Training.

(a) Working platforms must be operated only by persons who are proficient in the operation, safe use and inspection of the particular working platform to be operated.

(b) All employees who operate working platforms must be trained in the following:

(i) Recognition of, and preventive measures for, the safety hazards associated with their individual work/tasks.

(ii) General recognition and prevention of safety hazards associated with the use of working platforms, including the provisions in the section relating to the particular working platform to be operated.

(iii) Emergency action plan procedures required in WAC 296-24-88015(9).

(iv) Work procedures required in (d) of this subsection.

(v) Personal fall arrest system inspection, care, use and system performance.

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(c) Training of employees in the operation and inspection of working platforms must be done by a competent person.

(d) Written work procedures for the operation, safe use and inspection of working platforms must be provided for employee training. Pictorial methods of instruction, may be used, in lieu of written work procedures, if employee communication is improved using this method. The operating manuals supplied by manufacturers for platform system components can serve as the basis for these procedures.

(e) The employer must certify that employees have been trained in operating and inspecting a working platform by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training and the date that training was completed. The certification record must be prepared at the completion of the training required in (b) of this subsection, and must be maintained in a file for the duration of the employee's employment. The certification record must be kept readily available for review by the director or an authorized representative.

(2) Use.

(a) Working platforms must not be loaded in excess of the rated load, as stated on the platform load rating plate.

(b) Employees must be prohibited from working on snow, ice, or other slippery material covering platforms, except for the removal of such materials.

(c) Adequate precautions must be taken to protect the platform, wire ropes and life lines from damage due to acids or other corrosive substances, in accordance with the recommendations of the corrosive substance producer, supplier, platform manufacturer or other equivalent information sources. Platform members which have been exposed to acids or other corrosive substances must be washed down with a neutralizing solution, at a frequency recommended by the corrosive substance producer or supplier.

(d) Platform members, wire ropes and life lines must be protected when using a heat producing process. Wire ropes and life lines which have been contacted by the heat producing process must be considered to be permanently damaged and must not be used.

(e) The platform must not be operated in winds in excess of 25 miles per hour (40.2 km/hr) except to move it from an operating to a storage position. Wind speed must be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts which predict wind velocities for the area.

(f) On exterior installations, an anemometer must be mounted on the platform to provide information of on-site wind velocities prior to and during the use of the platform. The anemometer may be a portable (hand held) unit which is temporarily mounted during platform use.

(g) Tools, materials and debris not related to the work in progress must not be allowed to accumulate on platforms. Stabilizer ties must be located so as to allow unencumbered passage along the full length of the platform and must be of such length so as not to become entangled in rollers, hoists or other machinery.

NEW SECTION

WAC 296-24-88035 Personal fall protection. Employees on working platforms must be protected by a personal fall arrest system meeting the requirements of Appendix C, Part I, WAC 296-24-88050 of this standard, and as otherwise provided by this standard.

NEW SECTION

WAC 296-24-88040 Appendix A—Guidelines (advisory). (1) Use of the Appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This Appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-880 through 296-24-88055.

(2) Assurance. WAC 296-24-880(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-880 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

AA—The Aluminum Association, 900 19th Street Northwest, Suite 300, Washington, D.C. 20006
Aluminum Construction Manual
Specifications for Aluminum Structures
Aluminum Standards and Data

AGMA—American Gear Manufacturers Association, 1500 King Street, Suite 201, Alexandria, VA 22314

AISC—American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601-2001

ANSI—American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103-1187

AWS—American Welding Society, Inc., Box 351040, 550 N.W. LeJeune Road, Miami, FL 33126

NEMA—National Electric Manufacturers Association, 2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening

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exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer

tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope. The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-88025(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-88030(1), employers should use both on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-88015 (2)(c), 296-24-88020 (3) and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

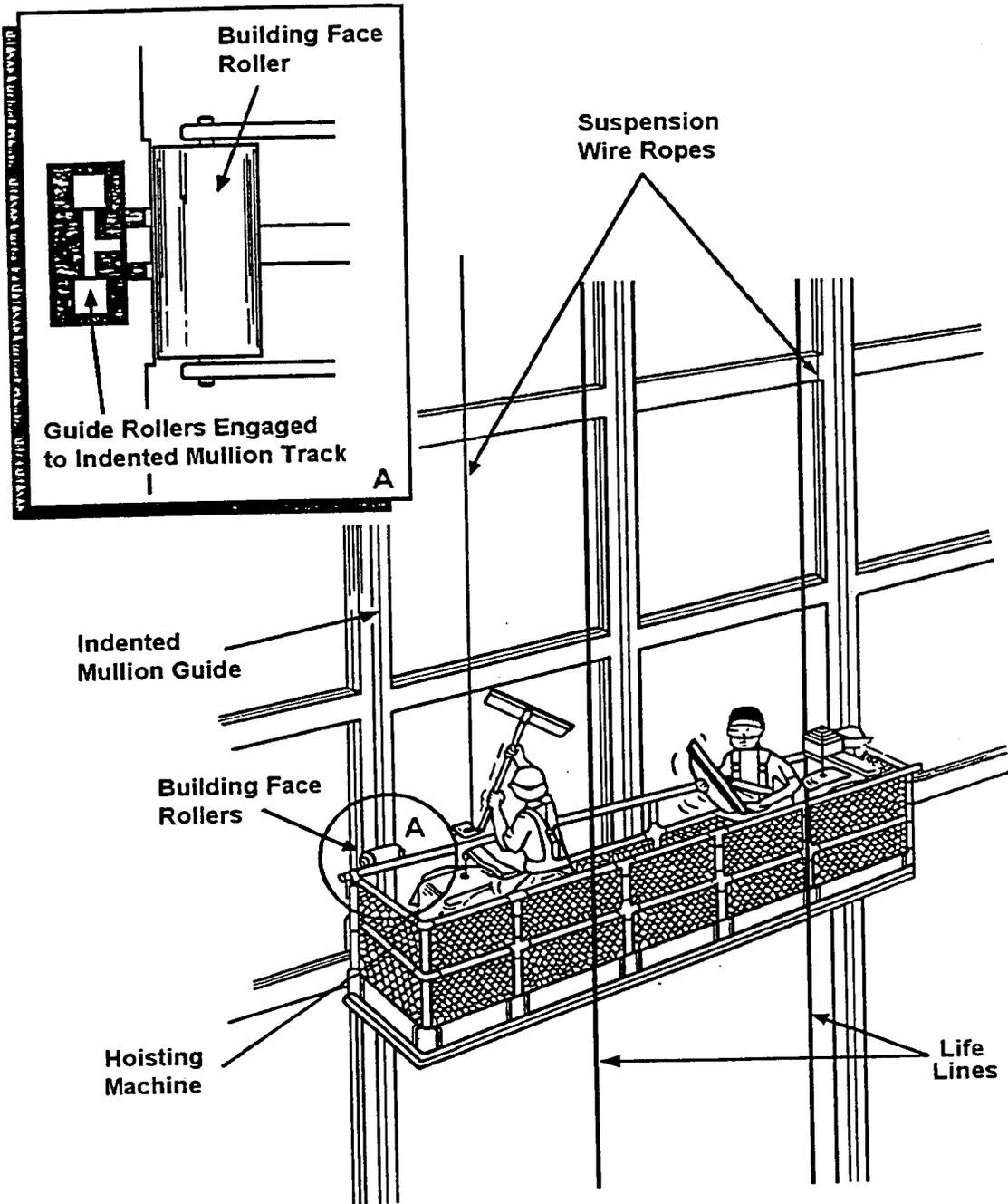
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NEW SECTION

WAC 296-24-88045 Appendix B—Exhibits (advisory).

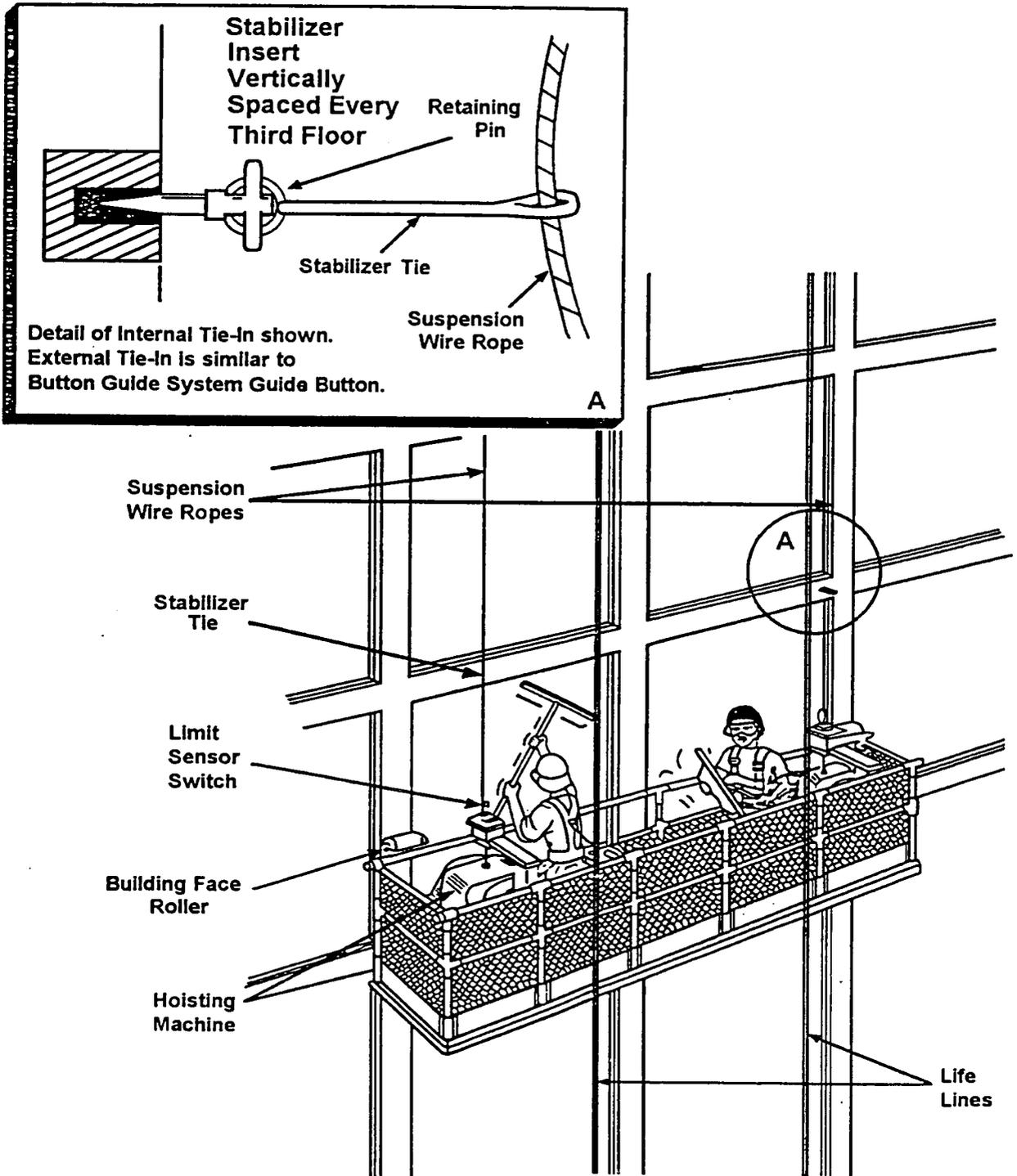
The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

FIGURE 1
Typical Self-Powered Platform –
Continuous External or Indented Mullion Guide System



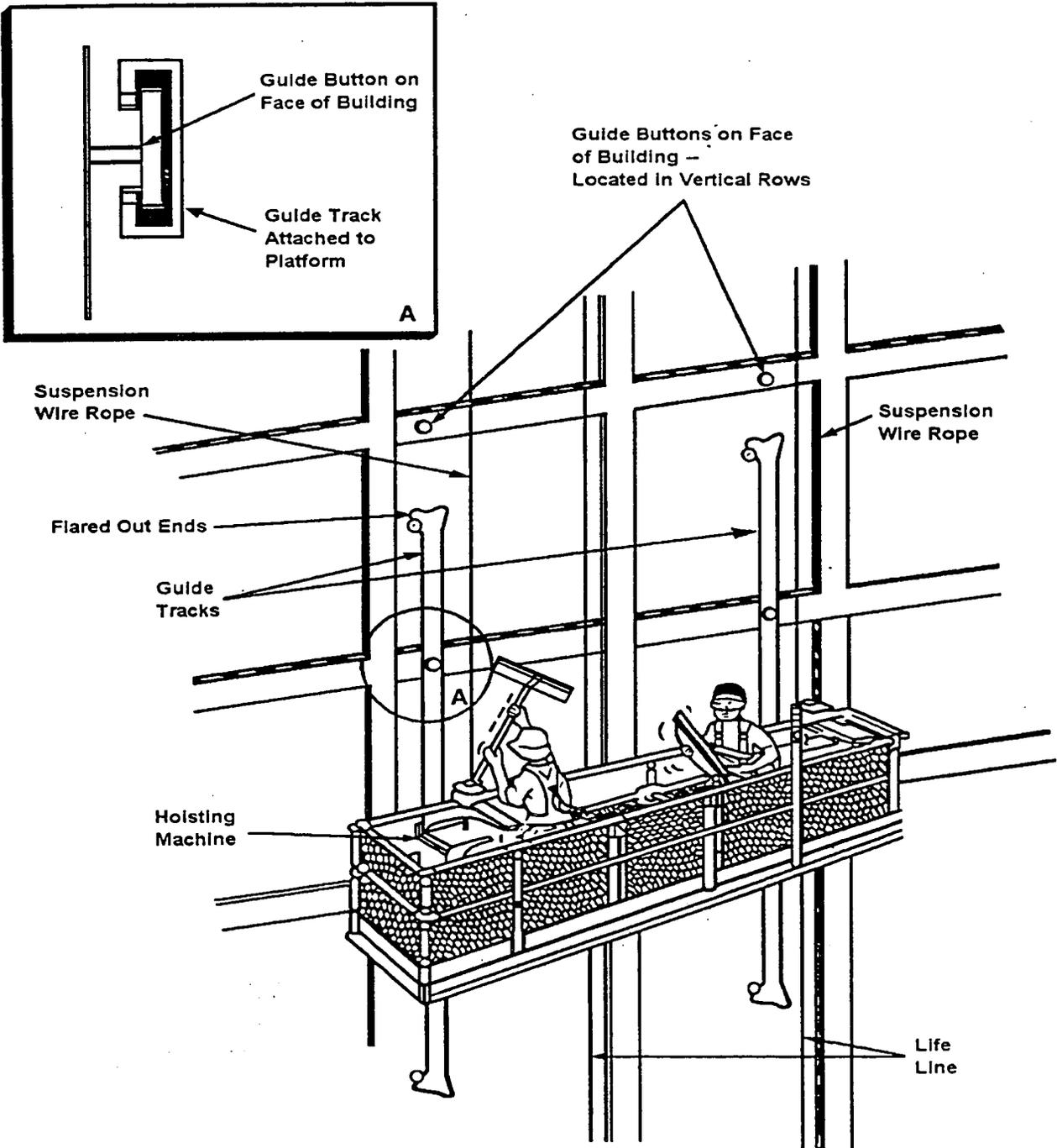
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Figure 2. Typical Self-Powered Platform--
Intermittent Tie-in System



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FIGURE 3
Typical Self-Powered Platform—
Button Guide System



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NEW SECTION**WAC 296-24-88050 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory). (1) Use of the Appendix.**

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this Appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

PART I

Personal fall arrest systems (mandatory)—(1) Scope and application. This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-88035.

(2) Definitions.

Anchorage means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-24 WAC, and independent of the means of supporting or suspending the employee.

Buckle means any device for holding the body harness closed around the employee's body.

Competent person means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

Connector means a device which is used to couple (connect) parts of the personal fall arrest system and positioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or deering sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

Deceleration device means any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyards, automatic self retracting-lifeline/lanyard, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

Deceleration distance means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's full body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

Equivalent means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

Free fall means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

Free fall distance means the vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

Full body harness means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration device.

Lanyard means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

Lifeline means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

Qualified means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

Rope grab means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for all restraint applications.

Self-retracting lifeline/lanyard means a deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

Snap-hook means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

Tie-off means the act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to

an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors must be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors must have a corrosion-resistant finish, and all surfaces and edges must be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee must have a minimum breaking strength of 5,000 pounds (22.2 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less must have components capable of sustaining a minimum static tensile load of 3,000 pounds (13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards must be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks must be capable of sustaining a minimum tensile load of 5000 pounds (22.2 N).

(g) Dee-rings and snap-hooks must be 100 percent proof-tested to a minimum tensile load of 3600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks must be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or must be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, must be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached must be capable of supporting at least 5,000 pounds (22.2 kN) per employee attached, or must be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least two, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, must be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems must, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Must have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b)(i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) in Part II of this Appendix must be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, must not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline must be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems must be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness must be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee must be provided with a separate lifeline.

(f) Personal fall arrest systems or components must be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading must be immediately removed from service and must not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(h) The employer must provide for prompt rescue of employees in the event of a fall or must assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees must be trained in accordance with the requirements of WAC 296-24-88030(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems must be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components must be removed from service if their strength or function may be adversely affected.

PART II

Test methods for personal fall arrest systems
(nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to determine compliance with the requirements in subsection (4) of Part I of this Appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a nonelastic wire lanyard of sufficient length may need to be

added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

PART III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse affect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not

designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
 - (b) The maximum elongation measured for lanyards during the force test;
 - (c) The deceleration distance measured for deceleration devices during the force test;
 - (d) Caution statements on critical use limitations;
 - (e) Application limits;
 - (f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;
 - (g) Proper climbing techniques;
 - (h) Methods of inspection, use, cleaning, and storage;
- and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-88050(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-88050 (5)(h) when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which

allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to also fall. Horizontal lifeline

and anchorage strength should be increased for each additional employee to be tied-off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Required by this standard for all connections, locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-88050 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.
- Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8

m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard).) Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be added below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

NEW SECTION

WAC 296-24-88055 Appendix D—Existing installations (mandatory). (1) Use of the appendix.

Appendix D sets out the mandatory building and equipment requirements for applicable permanent installations

completed after August 27, 1971, and no later than July 23, 1990 which are exempt from WAC 296-24-880 through 296-24-88020.

Note: All existing installations subject to this Appendix must also comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and Appendix C.

(2) Definitions applicable to this Appendix.

Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

ANSI. American National Standards Institute.

Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

Brake—disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

Brake—self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

Brake—shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

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Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

Operating device. A pushbutton, lever, or other manual device used to actuate a control.

Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

Rated load. The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

Working platform. The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

Zincd fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

(3) General requirements.

(a) Design requirements. All powered platform installations for exterior building maintenance completed as of August 27, 1971, but no later than January 25, 1990, must meet all of the design, construction and installation requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1-1970" and of this Appendix. References must be made to appropriate parts of ANSI A120.1-1970 for detail specifications for equipment and special installations.

(b) Limitation. The requirements of this Appendix apply only to electric-powered platforms. It is not the intent of this appendix to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(c) Types of powered platforms.

(i) For the purpose of applying this appendix, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F must meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least 4 wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T must meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, except for section 28, Safety Belts and Life Lines. A basic requirement of Type T equipment is that the working platform is suspended by at least 2 wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(v) Both Type F and Type T powered platforms must comply with the requirements of Appendix C of this standard.

(4) Type F powered platforms.

(a) Roof car, general.

(i) A roof car must be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(b) Movement and positioning of roof car.

(i) Provision must be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars must be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices must be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops must be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops must be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) The operating device of a power-operated roof car for traversing must be located on the roof car, the working platform, or both, and must be of the continuous pressure weather-proof electric type. If more than one operating device is provided, they must be so arranged that traversing is possible only from one operating device at a time.

(vi) The operating device must be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(c) Roof car stability. Roof car stability must be determined by either items (i) or (ii), whichever is greater.

(i) The roof car must be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value must include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load must be included, and the design stresses must not exceed those referred to in subsection (3)(a) of this Appendix.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load the motor must stall.

(d) Access to the roof car. Safe access to the roof car and from the roof car to the working platform must be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates must be provided. Applicable provisions WAC 296-24-735 through 296-24-810 must apply.

(e) Means for maintenance, repair, and storage. Means must be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions must be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(f) General requirements for working platforms. The working platform must be of girder or truss construction and must be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1-1970, American National Standard

Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(g) Load rating plate. Each working platform must bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates must be made of noncorrosive material and must have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures must be one-fourth inch.

(h) Minimum size. The working platform must have a minimum net width of 24 inches.

(i) Guardrails. Working platforms must be furnished with permanent guard rails not less than 38 inches high, and not more than 45 inches high at the front (building side). At the rear, and on the sides, the rail must not be less than 45 inches high. An intermediate guardrail must be provided around the entire platform between the top guardrail and the toeboard. The top rail must withstand a minimum of 200 pounds pressure.

(j) Toeboards. A four-inch toeboard must be provided along all sides of the working platform.

(k) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, must be filled with metallic mesh or similar material that will reject a ball one inch in diameter. The installed mesh must be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed eight inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(l) Flooring. The platform flooring must be of the non-skid type, and if of open construction, must reject a 9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16-inch diameter ball.

(m) Access gates. Where access gates are provided, they must be self-closing and self-locking.

(n) Operating device for vertical movement of the working platform.

(i) The normal operating device for the working platform must be located on the working platform and must be of the continuous pressure weatherproof electric type.

(ii) The operating device must be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service and, the roof car, if provided, is at an established operating point.

(o) Emergency electric operative device.

(i) In addition, on roof-powered platforms, an emergency electric operating device must be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device must be mounted in a locked compartment and must have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

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(ii) A key for unlocking the compartment housing the emergency operating device must be mounted in a break-glass receptacle located near the emergency operating device.

(p) Manual cranking for emergency operation. Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation must be designed so that not more than two persons will be required to perform this operation. The access to this provision must include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design must be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(q) Arrangement and guarding of hoisting equipment.

(i) Hoisting equipment must consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment must be power-operated in both up and down directions.

(iii) Guard or other protective devices must be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches must not be used for connecting the main driving mechanism to the drum or drums. Belt or chain-driven machines are prohibited.

(r) Hoisting motors.

(i) Hoisting motors must be electric and of weather-proof construction.

(ii) Hoisting motors must be in conformance with applicable provisions of subdivision (v) of this subsection, Electric Wiring and Equipment.

(iii) Hoisting motors must be directly connected to the hoisting machinery. Motor couplings, if used, must be of steel construction.

(s) Brakes. The hoisting machine(s) must have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(t) Hoisting ropes and rope connections.

(i) Working platforms must be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) (Reserved)

(iii) The minimum factor of safety must be 10, and must be calculated by the following formula:

$$F = S \times N / W$$

Where

S= Manufacturer's rated breaking strength of one rope.

N= Number of ropes under load.

W= Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes must be sized to conform with the required factor of safety, but in no case must the size be less than 5/16 inch diameter.

(v) Winding drums must have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes must be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) More than two reverse bends in each rope is prohibited.

(u) Rope tag data. A metal data tag must be securely attached to one of the wire rope fastenings. This data tag must bear the following wire rope data:

(i) The diameter in inches.

(ii) Construction classification.

(iii) Whether nonpreformed or preformed.

(iv) The grade of material used.

(v) The manufacturer's rated breaking strength.

(vi) Name of the manufacturer of the rope.

(vii) The month and year the ropes were installed.

(v) Electrical wiring and equipment.

(i) All electrical equipment and wiring must conform to the requirements of the National Electrical Code, NFPA 70-1987; ANSI C1-1987, except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(ii) All motors and operation and control equipment must be supplied from a single power source.

(iii) The power supply for the powered platform must be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system must be protected against accidental contact.

(v) Electrical grounding must be provided.

(A) Provisions for electrical grounding must be included with the power-supply system.

(B) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, must be grounded.

(C) The controller, where used, must be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(D) Means must be provided on the roof car and working platform for grounding portable electric tools.

(E) The working platform must be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform must be grounded.

(vi) Electrical receptacles located on the roof or other exterior location must be of a weatherproof type and must be located so as not to be subject to contact with water or accumulated snow. The receptacles must be grounded and the electric cable must include a grounding conductor. The receptacle and plug must be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision must be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems must be of the type designed for use in exterior locations and must be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting

means must conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987; ANSI C1-1987. A grounded conductor must parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system must be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type must be provided.

(ix) Where the installation includes a roof car, electric contact(s) must be provided and so connected that the operating devices for the working platform must be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car must be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact must be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device must be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device must be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices must be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device must prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, must incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(A) Final terminal stopping devices for the working platform must be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(B) The device must be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(C) Operation of the final terminal stopping device must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(D) The final terminal stopping device for the upper limit of travel must be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches must be provided in or adjacent to each operating device.

(xix) Emergency stop switches must:

(A) Have red operating buttons or handles.

(B) Be conspicuously and permanently marked "Stop."

(C) Be the manually opened and manually closed type.

(D) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car must cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(w) Requirements for emergency communications.

(i) Communication equipment must be provided for each powered platform for use in an emergency.

(ii) Two-way communication must be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment must permit two-way voice communication between the working platform; and

(A) Designated personnel continuously available while the powered platform is in use; and

(B) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment must be one of the following types:

(A) Telephone connected to the central telephone exchange system; or

(B) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(5) Type T powered platforms.

(a) Roof car. The requirements of subsection (4)(a) through (4)(e) of this Appendix must apply to Type T powered platforms.

(b) Working platform. The requirements of subsection (4)(f) through (4)(p) of this Appendix apply to Type T powered platforms.

(i) The working platform must be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction must not exceed 35 feet per minute.

(c) Hoisting equipment. The requirements of subsection (4)(q) and (r) of this Appendix must apply to Type T powered platforms.

(d) Brakes. Brakes requirements of subsection (4)(s) of this Appendix must apply.

(e) Hoisting ropes and rope connections.

(i) Subsection (4)(t)(i) through (vi) and (viii) of this Appendix must apply to Type T powered platforms.

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(ii) Adjustable shackle rods in subsection (4)(t)(vii) of this Appendix must apply to Type T powered platforms, if the working platform is suspended by more than two wire ropes.

(f) Electrical wiring and equipment.

(i) The requirements of subsection (4)(v)(i) through (vi) of this Appendix must apply to Type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment must comply with the specifications contained in Part 2, section 26, ANSI A120.1-1970.

(ii) For electrical protective devices the requirements of subsection (4)(v)(i) through (viii) of this Appendix must apply to Type T powered platforms. Requirements for the "circuit potential limitation" must be in accordance with specifications contained in Part 2, section 26, of ANSI A120.1-1970.

(g) Emergency communications. All the requirements of subsection (4)(w) of this Appendix must apply to Type T powered platforms.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-90001 Definitions. ((+)) Handhold (handgrip). A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

((2)) Open type. One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

((3)) Closed type. A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom into which the passenger may place fingers.

((4)) Limit switch. A device, the purpose of which is to cut off the power to the motor and apply the brakes to stop the carrier in the event that a loaded step passes the terminal landing.

((5)) Manlift. A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

((6)) Rated speed. Rated speed is the speed for which the device is designed and installed.

((7)) Split-rail switch. An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

((8)) Step (platform). A step is a passenger carrying unit.

((9)) Travel. The travel is the distance between the centers of the top and bottom pulleys.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-90003 General requirements. (1) Application. These standards apply to the construction, maintenance, inspection, and operation of manlifts in relation to accident causing hazards. Manlifts covered by these standards consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that these standards cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. These standards apply to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Exceptions for new and existing equipment. The purpose of these standards is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these standards ((shall)) must meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," and the requirements of this section.

(4) Reference to other codes. The following codes are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1-1953 (R. 1958) and chapter 296-24 WAC Part C; chapter 296-24 WAC Part L; Safety Code for Fixed Ladders, ANSI A14.3-1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and chapter 296-24 WAC Parts J-1 and J-2.

(5) Floor openings.

(a) Allowable size. Floor openings for both the "up" and "down" runs ((shall)) must be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and ((shall)) must extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(b) Uniformity. All floor openings for a given manlift ((shall)) must be uniform in size and ((shall)) must be approximately circular, and each ((shall)) must be located vertically above the opening below it.

(6) Landing.

(a) Vertical clearance. The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by WAC 296-24-90003(7) ((shall)) must not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift ((shall)) must be provided and the manlift runway ((shall)) must be enclosed where it passes through such floor.

(b) Clear landing space. The landing space adjacent to the floor openings ((shall)) must be free from obstruction and kept clear at all times. This landing space ((shall)) must be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(c) Lighting and landing. Adequate lighting not less than 5-foot candles, ((shall)) must be provided at each floor landing at all times when the lift is in operation.

(d) Landing surface. The landing surfaces at the entrances and exits to the manlift ((shall)) must be constructed and maintained as to provide safe footing at all times.

(e) Emergency landings. Where there is a travel of 50 feet or more between floor landings, one or more emergency landings ((shall)) must be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(i) Emergency landings ((shall)) must be accessible from both the "up" and "down" rungs of the manlift and ((shall)) must give access to the ladder required in WAC 296-24-90003(12).

(ii) Emergency landings ((shall)) must be completely enclosed with a standard railing and toeboard.

(iii) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and ((shall)) must be provided with standard railings and toeboards.

(7) Guards on underside of floor openings.

(a) Fixed type. On the ascending side of the manlift floor openings ((shall)) must be provided with a bevel guard or cone meeting the following requirements:

(i) The cone ((shall)) must make an angle of not less than 45° with the horizontal. An angle of 60° or greater ((shall)) must be used where ceiling heights permit.

(ii) The lower edge of this guard ((shall)) must extend at least 42 inches outward from any handhold on the belt. It ((shall)) must not extend beyond the upper surface of the floor above.

(iii) The cone ((shall)) must be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge ((shall)) must be rolled to a minimum diameter of one-half inch and the interior ((shall)) must be smooth with no rivets, bolts or screws protruding.

(b) Floating type. In lieu of the fixed guards specified in WAC 296-24-90003 (7)(a) a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the under side of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) Protection of entrances and exits.

(a) Guardrail requirement. The entrances and exits at all floor landings affording access to the manlift ((shall)) must be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(b) Construction. The rails ((shall)) must be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and WAC 296-24-750 through 296-24-75011.

(c) Gates. Gates, if used, ((shall)) must open outward and ((shall)) must be self-closing. Corners of gates ((shall)) must be rounded.

(d) Maze. Maze or staggered openings ((shall)) must offer no direct passage between enclosure and outer floor space.

(e) Except where building layout prevents, entrances at all landings ((shall)) must be in the same relative position.

(f) If located in buildings to which the public has access, such manlift or manlifts ((shall)) must be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors ((shall)) must be limited to authorized personnel.

(9) Guards for openings.

(a) Construction. The floor opening at each landing ((shall)) must be guarded on sides not used for entrance or exit by a standard railing and toeboard or by panels or wire mesh of not less than Number 10 U.S. gage, expanded metal of not less than Number 13 U.S. gage or sheet metal of equivalent strength.

(b) Guardrails in stairwells. When belt manlift is installed in a stairwell a standard guardrail ((shall)) must be placed between the floor openings of the manlift and the stairways.

(c) Height and location. Such rails or guards ((shall)) must be at least forty-two inches in height on the "up" running side and sixty-six inches on the "down" running side. If a guardrail is used the section of the guard above the rail may be of the construction specified in WAC 296-24-90003 (9)(a) or may consist of vertical or horizontal bars which will reject a ball six inches in diameter. Rails or guards ((shall)) must be located not more than one foot from the edge of the floor opening.

(d) Safeguards required. Expanded metal, sheet metal or wood guards must be installed to cover the area from the floor to seven feet above the floor on each exposed side of the belt manlift at each floor landing, so persons cannot place their hands in the area where the step rollers travel.

(10) Bottom arrangement.

(a) Bottom landing. At the bottom landing the clear area ((shall)) must be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt ((shall)) must be not less than 48 inches from the face of the belt. This space ((shall)) must not be encroached upon by stairs or ladders.

(b) Location of lower pulley. The lower (boot) pulley ((shall)) must be installed so that it is supported by the lowest landing served. The sides of the pulley support ((shall)) must be guarded to prevent contact with the pulley or the steps.

(c) Mounting platform. A mounting platform ((shall)) must be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform ((shall)) must be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(d) Guardrails. To guard against persons walking under a descending step, the area on the downside of the manlift ((shall)) must be guarded in accordance with WAC 296-24-90003(8). To guard against a person getting between the mounting platform and an ascending step, the area between

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the belt and the platform ((~~shaft~~)) **must** be protected by a guardrail.

(11) Top arrangements.

(a) Clearance from floor. A top clearance ((~~shaft~~)) **must** be provided of at least 11 feet above the top terminal landing. This clearance ((~~shaft~~)) **must** be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(b) Pulley clearance.

(i) There ((~~shaft~~)) **must** be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(ii) The center of the head pulley shaft ((~~shaft~~)) **must** be not less than 6 feet above the top terminal landing.

(c) Emergency grab rail. An emergency grab bar or rail and platform ((~~shaft~~)) **must** be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) Emergency exit ladder. A fixed metal ladder accessible from both the "up" and "down" run of the manlift ((~~shaft~~)) **must** be provided for the entire travel of the manlift. Such ladder ((~~shaft~~)) **must** be in accordance with ANSI A14.3-1956, Safety Code for Fixed Ladders and WAC 296-24-810 through 296-24-81013.

(13) Superstructure bracing. Manlift rails ((~~shaft~~)) **must** be secured in such a manner as to avoid spreading, vibration, and misalignment.

(14) Illumination.

(a) General. Both runs of the manlift ((~~shaft~~)) **must** be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle ((~~shaft~~)) **must** be maintained at all points. (However, see WAC 296-24-90003 (6)(c) for illumination requirements at landings.)

(b) Control of illumination. Lighting of manlift runways ((~~shaft~~)) **must** be by means of circuits permanently tied into the building circuits (no switches), or ((~~shaft~~)) **must** be controlled by switches at each landing. Where separate switches are provided at each landing, any switch ((~~shaft~~)) **must** turn on all lights necessary to illuminate the entire runway.

(15) Weather protection. The entire manlift and its driving mechanism ((~~shaft~~)) **must** be protected from the weather at all times.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-90005 Mechanical requirements. (1) Machines, general.

(a) Brakes. Brakes provided for stopping and holding a manlift ((~~shaft~~)) **must** be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake ((~~shaft~~)) **must** be electrically released, and ((~~shaft~~)) **must** be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The

brake ((~~shaft~~)) **must** be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(b) Belt.

(i) The belts ((~~shaft~~)) **must** be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of WAC 296-24-90003(3) and having a co-efficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in WAC 296-24-90005 (1)(a).

(ii) The width of the belt ((~~shaft~~)) **must** be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(iii) A belt that has become torn while in use on a manlift ((~~shaft~~)) **must** not be spliced and put back in service.

(iv) Belt fastenings. Belts ((~~shaft~~)) **must** be fastened by a lapped splice or ((~~shaft~~)) **must** be butt spliced with a strap on the side of the belt away from the pulley. For lapped splices, the overlap of the belt at the splice ((~~shaft~~)) **must** be not less than three feet where the total travel of the manlift does not exceed one hundred feet and not less than four feet, if the travel exceeds one hundred feet.

Where butt splices are used the straps ((~~shaft~~)) **must** extend not less than three feet on one side of the butt for a travel not in excess of one hundred feet, and four feet for a travel in excess of one hundred feet.

For twelve inch belts, the joint ((~~shaft~~)) **must** be fastened with not less than twenty special elevator bolts, each of a minimum diameter of one-quarter inch. These bolts ((~~shaft~~)) **must** be arranged symmetrically in five rows so arranged as to cover the area of the joint effectively. The minimum number of bolts for a belt width of fourteen inches ((~~shaft~~)) **must** be not less than twenty-three and for belt widths of sixteen inches, the number of bolts ((~~shaft~~)) **must** be not less than twenty-seven.

(v) Pulleys. Drive pulleys and idler (boot) pulleys ((~~shaft~~)) **must** have a diameter not less than given in Table 1.

TABLE 1

Belt Construction	Minimum Strength (lb. per inch of width)	Minimum Pulley (diameter inches)
5 ply	1500	20
6 ply	1800	20
7 ply	2100	22

Note: Table No. 1 is included solely for the purpose of determining the minimum diameter of pulley required for the listed number of plys of belt construction.

(vi) Pulley protection. The machine ((~~shaft~~)) **must** be so designed and constructed as to catch and hold the driving pulley in event of shaft failure.

(2) Speed. Maximum speed. No manlift designed for a speed in excess of 80 feet per minute ((~~shaft~~)) **must** be installed.

(3) Platforms or steps.

PROPOSED

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(a) Minimum depth. Steps or platforms ((shall)) must be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(b) Width. The width of the step or platform ((shall)) must be not less than the width of the belt to which it is attached.

(c) Distance between steps. The distance between steps ((shall)) must be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(d) Angle of step. The surface of the step ((shall)) must make approximately a right angle with the "up" and "down" run of the belt, and ((shall)) must travel in the approximate horizontal position with the "up" and "down" run of the belt.

(e) Surfaces. The upper or working surfaces of the step ((shall)) must be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or ((shall)) must be covered completely by a nonslip tread securely fastened to it.

(f) Strength of step supports. When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides ((shall)) must be of adequate strength to:

(i) Prevent the disengagement of any step roller.

(ii) Prevent any appreciable misalignment.

(iii) Prevent any visible deformation of the steps or its support.

(g) Prohibition of steps without handholds. No steps ((shall)) must be provided unless there is a corresponding handhold above or below it meeting the requirements of WAC 296-24-90005(4). If a step is removed for repairs or permanently, the handholds immediately above and below it ((shall)) must be removed before the lift is again placed in service.

(4) Handholds.

(a) Location. Handholds attached to the belt ((shall)) must be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These ((shall)) must be so located as to be available on the both "up" and "down" run of the belt.

(b) Size. The grab surface of the handhold ((shall)) must be not less than 4 1/2 inches in width, not less than 3 inches in depth, and ((shall)) must provide 2 inches of clearance from the belt. Fastenings for handholds ((shall)) must be located not less than 1 inch from the edge of the belt.

(c) Strength. The handhold ((shall)) must be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(d) Prohibition of handhold without steps. No handhold ((shall)) must be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel ((shall)) must also be removed before the lift is again placed in service.

(e) Type. All handholds ((shall)) must be of the closed type.

(5) Up limit stops.

(a) Requirements. Two separate automatic stop devices ((shall)) must be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing.

One of these ((shall)) must consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(i) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(ii) An electronic device.

(iii) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(b) Emergency stop switch, treadle type in pit on down side. An emergency stop treadle switch ((shall)) must be placed in the area below the lowest landing on the "down" side. This switch must stop the mechanism if a person should fail to get off at the lowest landing and be ejected from the step as it approaches its position to travel around the boot pulley.

(c) Manual reset location. After the manlift has been stopped by a stop device it ((shall)) must be necessary to reset the automatic stop manually. The device ((shall)) must be so located that a person resetting it ((shall)) must have a clear view of both the "up" and "down" runs of the manlift. It ((shall)) must not be possible to reset the device from any step or platform.

(d) Cut-off point. The initial limit stop device ((shall)) must function so that the manlift will be stopped before the loaded step has reached a point of 24 inches above the top terminal landing.

(e) Electrical requirements.

(i) Where such switches open the main motor circuit directly they ((shall)) must be of the multipole type.

(ii) Where electronic devices are used they ((shall)) must be so designed and installed that failure will result in shutting off the power to the driving motor.

(iii) Where flammable vapors or dusts may be present all electrical installations ((shall)) must be according to chapter 296-24 WAC Part L.

(iv) Unless of the oil-immersed type controller contacts carrying the main motor current ((shall)) must be copper or carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) Emergency stop.

(a) General. An emergency stop means ((shall)) must be provided.

(b) Location. This stop means ((shall)) must be within easy reach of the ascending and descending runs of the belt.

(c) Operation. This stop means ((shall)) must be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel.

(d) Rope. If rope is used, it ((shall)) must be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, ((shall)) must not be used.

(7) Instruction and warning signs.

(a) Instruction signs at landings or belts. Signs of conspicuous and easily read style giving instructions for the use of the manlift ((shall)) must be posted at each landing or stenciled on the belt.

(i) Such signs ((shall)) must be of letters not less than 1 inch in height and of a color having high contrast with the

surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(ii) The instructions ((~~shall~~)) must read approximately as follows:

- Face the belt.
- Use the handholds.
- To stop-pull rope.

(b) Top floor warning sign and light.

(i) At the top floor an illuminated sign ((~~shall~~)) must be displayed bearing the following wording:

"TOP FLOOR-GET OFF"

Signs ((~~shall~~)) must be in block letters not less than 2 inches in height. This sign ((~~shall~~)) must be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(ii) In addition to the sign required by WAC 296-24-90005(7), a red warning light of not less than 40-watt rating ((~~shall~~)) must be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(c) Bottom of manlift warning signs, light and buzzer.

(i) Sign or light. A sign or light warning any passengers they are approaching the bottom landing ((~~shall~~)) must be posted above bottom landing in a conspicuous place. Sign or light to be similar in size to top warning light and sign noted above.

(ii) An electric buzzer. An electric buzzer ((~~shall~~)) must be installed five feet above the bottom landing on the down side to warn any riders they are approaching the bottom landing and the buzzer ((~~shall~~)) must be activated automatically by the weight of a load on a step.

(d) Visitor warning. A conspicuous sign having the following legend-AUTHORIZED PERSONNEL ONLY-((~~shall~~)) must be displayed at each landing. The sign ((~~shall~~)) must be of block letters not less than 2 inches in height and ((~~shall~~)) must be of a color offering high contrast with the background color.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-90007 Operating rules. (1) Proper use of manlifts. No freight, packaged goods, pipe, lumber, or construction materials of any kind ((~~shall~~)) must be handled on any manlift.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-90009 Periodic inspection. (1) Frequency. All manlifts ((~~shall~~)) must be inspected by a competent designated person at intervals of not more than 30 days. Limit switches ((~~shall~~)) must be checked weekly. Manlifts found to be unsafe ((~~shall~~)) must not be operated until properly repaired.

(2) Items covered. This periodic inspection ((~~shall~~)) must cover but is not limited to the following items:

- Steps.
- Step fastenings.
- Rails.
- Rail supports and fastenings.
- Rollers and slides.
- Belt and belt tension.
- Handholds and fastenings.
- Floor landings.
- Guardrails.
- Lubrication.
- Limit switches.
- Warning signs and lights.
- Illumination.
- Drive pulley.
- Bottom (boot) pulley and clearance.
- Pulley supports.
- Motor.
- Driving mechanism.
- Brake.
- Electrical switches.
- Vibration and misalignment.
- "Skip" on up or down run when mounting step (indicating worn gears).

(3) Inspection log. A written record ((~~shall~~)) must be kept of findings at each inspection: Records of inspection ((~~shall~~)) must be made available to the director of labor and industries or his/her duly authorized representative.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-825	Safety requirements for scaffolding.
WAC 296-24-82501	Definitions.
WAC 296-24-82503	General requirements for all scaffolds.
WAC 296-24-82505	General requirements for wood pole scaffolds.
WAC 296-24-82507	Tube and coupler scaffolds.
WAC 296-24-82509	Tubular welded frame scaffolds.
WAC 296-24-82511	Outrigger scaffolds.
WAC 296-24-82513	Masons' adjustable multiple-point suspension scaffolds.
WAC 296-24-82515	Two-point suspension scaffolds (swinging scaffolds).

PROPOSED

WAC 296-24-82517	Stone setters' adjustable multiple-point suspension scaffolds.	WAC 296-24-87019	Personal fall protection.
WAC 296-24-82519	Single-point adjustable suspension scaffolds.	WAC 296-24-87031	Appendix A—Guidelines (advisory).
WAC 296-24-82521	Boatswain's chairs.	WAC 296-24-87033	Appendix B—Exhibits (advisory).
WAC 296-24-82523	Carpenters' bracket scaffolds.	WAC 296-24-87035	Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).
WAC 296-24-82525	Bricklayers' square scaffolds.	WAC 296-24-87037	Appendix D—Existing installations (mandatory).
WAC 296-24-82527	Horse scaffolds.	WAC 296-24-885	Vehicle-mounted elevating and rotating work platforms.
WAC 296-24-82529	Needle beam scaffold.	WAC 296-24-88501	Definitions.
WAC 296-24-82531	Plasterers', decorators', and large area scaffolds.	WAC 296-24-88503	General requirements.
WAC 296-24-82533	Interior hung scaffolds.	WAC 296-24-88505	Specific requirements.
WAC 296-24-82535	Ladder-jack scaffolds.		
WAC 296-24-82537	Window-jack scaffolds.		
WAC 296-24-82539	Roofing brackets.		
WAC 296-24-82541	Crawling boards or chicken ladders.		
WAC 296-24-82543	Float or ship scaffolds.		
WAC 296-24-82545	Scope.		
WAC 296-24-840	Manually propelled mobile ladder stands and scaffolds (towers).		
WAC 296-24-84001	Definitions.		
WAC 296-24-84003	General requirements.		
WAC 296-24-84005	Mobile tubular welded frame scaffolds.		
WAC 296-24-84007	Mobile tubular welded sectional folding scaffolds.		
WAC 296-24-84009	Mobile tube and coupler scaffolds.		
WAC 296-24-84011	Mobile work platforms.		
WAC 296-24-84013	Mobile ladder stands.		
WAC 296-24-870	Power platforms for exterior building maintenance.		
WAC 296-24-87001	Definitions.		
WAC 296-24-87009	Inspections and tests.		
WAC 296-24-87011	Powered platform installations—Affected parts of buildings.		
WAC 296-24-87013	Powered platform installations—Equipment.		
WAC 296-24-87015	Maintenance.		
WAC 296-24-87017	Operations.		

WSR 00-01-178
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed December 22, 1999, 8:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-12-124.

Title of Rule: Sanitary certificates, covers requirements for issuance of sanitary certificates to food processing plants and milk processing plants.

Purpose: To add requirements to rule for issuance of milk processing plant sanitary certificates as authorized under amendment to chapter 15.36 RCW, Fluid milk by the 1999 Washington legislative session and to complete scheduled review of rule.

Statutory Authority for Adoption: RCW 15.36.525 and 69.07.085.

Statute Being Implemented: Chapter 15.36 RCW.

Summary: Requirements for issuance of sanitary certificates were added to rule that established requirements for issuance of sanitary certificates to food processing plants as authorized by 1999 Washington legislature. Scheduled review of rule was accomplished. A section was added requiring applicants to attest in writing that information provided by the applicant on sanitary certificates is correct where the department has no direct knowledge.

Reasons Supporting Proposal: Rule had not been reviewed or updated since 1984, it contained outdated references and some provisions no longer necessary because of changed circumstances.

Name of Agency Personnel Responsible for Drafting: Verne E. Hedlund, P.O. Box 42560, Olympia, WA 98504, (360) 902-1860; Implementation and Enforcement: Mike Donovan, P.O. Box 42560, Olympia, WA 98504, (360) 902-1883.

PROPOSED

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule was amended to add requirements for issuance of sanitary certificates to milk processing plants.

This rule was also reviewed for accuracy, clarity and application under current circumstances. The rule was amended to clarify the language and requirements. Housekeeping changes were made that require applicants to attest in writing that information contained on the application for inclusion on the sanitary certificate is correct. This is necessary because the department has no way to ensure that lot numbers and other information concerning free sale in other states is correct.

Proposal Changes the Following Existing Rules: It adds necessary additional requirements for issuing sanitary certificates to milk processing plants to current rule that contains requirements for sanitary certificates for food processing plants. Scheduled review of the rule was also completed and housekeeping changes were made as needed to ensure is consistent with current practices on issuing sanitary certificates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change has no economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on January 26, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by January 19, 2000, TDD (360) 902-1996.

Submit Written Comments to: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by January 26, 2000.

Date of Intended Adoption: February 9, 2000.

December 21, 1999

Dan Jemelka, DVM

Acting Assistant Director

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-010 ~~((Authority and))~~ **What is the purpose((s)) of this chapter?** ~~((This chapter is promulgated under authority of RCW 69.07.020 and 69.07.085.))~~ The purpose of this ~~((rule))~~ chapter is to establish requirements for ~~((issuance of))~~ issuing sanitary certificates to food ~~((processors))~~ processing plants and to milk processing plants.

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-020 **What is a sanitary certificate** ~~((defined.))~~? A sanitary certificate is a notarized statement by a responsible food safety official ~~((that certifies))~~ certifying that a food processing plant or milk processing plant has been inspected and approved by this department and has been issued a license indicating the same.

~~((It further certifies that its products to the best of our knowledge are prepared under sanitary conditions, are not harmful and are freely sold in the United States.))~~

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-030 **What are the requirements for obtaining a sanitary certificate((s))?** ~~The requirements for obtaining a sanitary certificate are:~~

(1) All applicants ~~((for a sanitary certificate))~~ must ~~((have current license))~~ be currently licensed as either a food ~~((processor))~~ processing or milk processing plant in Washington state with the department of agriculture under RCW 69.07.040 or 15.36.051.

(2) Sanitary certificate will be issued only to cover products listed on the license application or otherwise approved by the department of agriculture.

(3) Products for certification must not be under embargo or litigation by ~~((Washington))~~ the department of agriculture, the U.S. Food and Drug Administration, or other recognized public health authorities.

(4) ~~((A food processor))~~ An applicant must not be ~~((in arrears))~~ more than ninety days in arrears in paying for previous sanitary certificates issued.

(5) ~~((A food processor))~~ Any applicant that requests sanitary certificates must have been inspected by the department of agriculture within the inspection frequency guidelines established by Washington state department of agriculture and must be in substantial compliance with applicable food safety and dairy laws and rules.

(6) The applicant must provide the department with a declaration in a form acceptable to the department.

(7) Sanitary certificates will be in a form approved by the ~~((Washington state))~~ department of agriculture ~~((which))~~ that specifies the plant location where the products were ~~((produced))~~ processed and that the plant was inspected and found in substantial compliance with food safety or dairy laws and rules. No statements will be made to ~~((infer))~~ imply that ~~((any given))~~ a product was inspected and passed.

~~((7))~~ (8) Sanitary certificates will be issued ~~((as soon as possible))~~ in the order the requests are received. However advance notice of three business days is required to ensure ~~((the))~~ that sanitary certificates will be sent by the date needed.

~~((8))~~ (9) The department will deliver sanitary certificate by U.S. mail service. Requests for overnight mail or FAX will be allowed, but must be paid for by requester.

(10) Milk processing plants that request sanitary certificates for Grade A products must be in compliance with the Pasteurized Milk Ordinance (PMO), or Condensed and Dry Milk Ordinance (DMO), as applicable.

WSR 00-01-180
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 22, 1999, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-074.

Title of Rule: Washington scholars.

Purpose: Incorporate changes to the Washington scholars program as required by the 1999 legislature through 2SHB 1661.

Other Identifying Information: Also known as the "Washington scholars alternates" amendment.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Statute Being Implemented: RCW 28A.600.150 and 28B.80.245.

Summary: Creates one scholar alternate per legislative district, imposes enrollment requirements on scholars named in 2000 and later, and makes several technical changes.

Reasons Supporting Proposal: Required by statute as passed by the 1999 legislature.

Name of Agency Personnel Responsible for Drafting: Ann Lee, 917 Lakeridge Way, Olympia, WA 98504, (360) 753-7843; Implementation and Enforcement: John Klacik, 917 Lakeridge Way, Olympia, WA 98504, (360) 753-7851.

Name of Proponent: Higher Education Coordinating Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Allows the board to select one alternate per legislative district. The alternate may receive the monetary reward if one or more regular scholars fails to maintain a continuous enrollment in the first year of eligibility.

(2) Makes several technical changes for enhanced clarity, including moving the language on grant amounts and usage from the definitions section to its own section (WAC 250-66-045).

(3) The effect of these changes will be to move the monetary benefit from some regular scholars to some alternates.

Proposal Changes the Following Existing Rules: (1) Adds alternates.

(2) Imposes enrollment requirements.

(3) Moves grant amount and disbursement language from the definitions section to a newly created section (WAC 250-66-045).

(4) Makes several technical changes for enhanced clarity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The WAC affects student eligibility for the Washington scholars tuition and fee benefits. It does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not named as an agency in this statute.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, on February 16, 2000, at 8:30 a.m. - 12:00 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by February 15, 2000, TDD (360) 753-7809, or (360) 753-7810.

Submit Written Comments to: John Klacik, fax (360) 704-6251, johnk@hecw.wa.gov, by March 3, 2000.

Date of Intended Adoption: March 30, 2000.

December 22, 1999

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Washington institution(s) of higher education shall mean any of the state-supported, public four-year colleges and universities, public two-year community and technical colleges, and qualifying independent colleges and universities as defined in subsection (2) of this section.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

~~((5))~~ (6) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

~~((6))~~ (7) "Waiver of tuition and service and activities fees." Students who received their Washington state scholars awards prior to June 30, 1994, and who choose to attend a public institution of higher education((;)) as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

~~((7))~~ "Grant(s)." ~~Students named as Washington state scholars who choose to attend an independent college or university, as defined in subsection (2) of this section and recipients of the award named after June 30, 1994, who choose to~~

PROPOSED

attend a public college or university within the state, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants to recipients attending a Washington independent institution shall also be contingent upon the institution matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant-aid funds.

(a) Grant amounts.

(i) ~~Maximum grant award value.~~ Grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(ii) ~~Calculation of individual award amounts.~~ The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program. Individual recipients may receive state grants which do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(b) ~~Priorities in funding grants.~~ Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(i) ~~First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.~~

(ii) ~~Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.~~

(iii) ~~Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.~~

(e) ~~Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.)~~

(8) "Grant(s)" shall mean payments made to eligible Washington scholars and Washington scholars alternates from moneys appropriated to the board for this purpose.

(9) "Regular academic year" shall mean fall and spring semester at institutions operating on the semester system, or fall, winter, and spring quarter at institutions operating on the quarter system.

AMENDATORY SECTION (Amending WSR 94-14-007, filed 6/23/94, effective 7/24/94)

WAC 250-66-030 Nomination and selection of Washington state scholars. (1) Number of students to be nominated. Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria (~~which~~) that shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington (~~state~~) scholars selection committee (~~will then select the top three seniors residing in each legislative district who are graduating from high schools in the state to be designated as Washington state scholars~~) shall designate three Washington scholars and one Washington scholars-alternate in each legislative district from among the population of graduating high school seniors nominated for the award.

Recipients shall be identified by a ranking of nominees within each legislative district in descending order according to the final, aggregate numeric scores assigned to each individual in the review process. The three individuals achieving the highest scores in each legislative district shall be named to the Washington scholars award, and the individual receiving the fourth highest score in each legislative district shall be named to the Washington scholars-alternate award.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and awards ceremony.

(a) The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients and Washington scholars-alternate recipients.

(b) ~~An awards ceremony (at an appropriate time and place) on behalf of the three students named to the Washington state scholars award in each legislative district shall be planned annually, at an appropriate time and place, by the board in cooperation with the Washington association of secondary school principals.~~

(6) Receipt of award. Washington state scholars and Washington scholars-alternates shall be deemed to have received their awards effective the date of notification. This

is in contrast to the receipt of award benefits which may accrue to Washington state scholars and Washington scholars-alternates recipients in the form of tuition and fee waivers and grants, and which shall be deemed to be received by the individual recipients on a term-by-term basis at the time the award benefit is used for undergraduate coursework.

AMENDATORY SECTION (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

WAC 250-66-040 Recipient eligibility. (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or the grant at public and independent colleges or universities, the ~~((student))~~ scholar must meet the following requirements~~((The student must))~~:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award, or the Washington scholars-alternate award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within ~~((three years of high school graduation))~~ the applicable time frame, as described herein:

(i) Washington state scholars named to the award prior to the year 2000 must enter a public institution of higher education or an independent college or university in the state of Washington within three years of high school graduation.

(ii) Washington scholars named to the award in or after the year 2000 must:

(A) Within the time frame and in the manner established by the board, acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington public or independent college or university in the fall academic term immediately following high school graduation.

(B) Be enrolled at a Washington institution of higher education by the fall term immediately following high school graduation, and maintain continuous enrollment during the remainder of the regular academic year.

(iii) Washington scholar-alternates. Washington scholars-alternates initially receive a recognition certificate only. Alternates may receive the grant only if an originally named Washington state scholar in the same legislative district relinquishes, or is considered by the board to have forfeited, the grant award within one calendar year of initial award notification, and if funds are available for this purpose. The alternate also must meet all other eligibility criteria, as follows:

(A) Acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington institution of higher education in the next available academic term, within the time frame and in the manner established by the board.

(B) Be enrolled, and maintain continuous enrollment, for the balance of the remaining regular academic year at a Washington institution of higher education.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

~~((g))~~ If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

~~((h))~~ (g) Not be pursuing courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Waiver of enrollment requirements. Washington state scholars named to the award in or after the year 2000, and Washington scholars-alternates who have accepted the remaining value of an award benefit relinquished by the original Washington scholar recipient, may petition the board, which shall have the authority to waive the enrollment requirements based on the exceptional mitigating circumstances of the individual grant recipients.

Those Washington scholars and Washington scholars-alternates who do not meet eligibility criteria as defined in subsection (1)(a) through (g) of this section, and for whom the enrollment requirements are not waived by the board, shall be deemed to have withdrawn from college, and the grant award for that scholar shall be considered relinquished and forfeit.

(3) Duration of eligibility. Subject to criteria set forth in subsection (1)~~((a) through (h))~~ of this section, individual recipients of the Washington state scholars award shall be eligible for award benefits ~~((until))~~ not to exceed a cumulative ~~((total))~~ maximum of eight semesters or twelve quarters total of waiver and/or grant benefits ~~((have been received by the scholar under this program))~~ for undergraduate coursework.

~~((3))~~ Subject to criteria set forth in subsections (1) and (2) of this section, Washington scholar-alternates may be eligible to receive the values remaining in a grant benefit relinquished by a Washington scholar originally named to the award, not to exceed a cumulative maximum of eight semesters or twelve quarters total of undergraduate coursework.

(4) Transferability. Recipients of the Washington state scholars award and the Washington scholars-alternate award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the cumulative terms of waivers of tuition and service and activities fees and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

NEW SECTION

WAC 250-66-045 Grant amounts and usage. (1) Grant amounts.

(a) Maximum grant award value. State grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(b) Calculation of individual award amounts.

PROPOSED

(i) The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program.

(ii) Individual recipients may receive state grants that do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(iii) Grants to recipients attending a Washington independent institution shall also be contingent upon the institution matching, on at least a dollar-for-dollar basis, either with actual institutional moneys or a waiver of tuition and fees, the grant amount the student receives from the state.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(2) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(a) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(b) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(c) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.

(3) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.

AMENDATORY SECTION (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

WAC 250-66-050 Administration. (1) Administering agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities,

encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholar award and the Washington scholars-alternate award, with the assistance of the selection committee created by WAC 250-66-030(~~((3) of this act))~~ (2).

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars and the Washington scholars-alternates selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award and the Washington scholars-alternate recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar and the Washington scholars-alternate recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

(j) Make grant payments to eligible recipients for undergraduate study.

(k) Authorize waivers of enrollment requirements for Washington scholars and Washington scholars-alternates as set forth under WAC 250-66-030.

WSR 00-01-181
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed December 22, 1999, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-075.

Title of Rule: Washington promise scholarship.

Purpose: Implements the Washington promise scholarship program as authorized by the 1999-2001 biennial budget.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Statute Being Implemented: Section 611 (6)(i-ix), chapter 309, Laws of 1999.

Summary: Provides the operational framework needed by the Higher Education Coordinating Board to identify and serve eligible students, with promise scholarships, in the 1999-2001 biennium.

Reasons Supporting Proposal: These rules are necessary to implement the program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Klacik, 917 Lakewood Way, Olympia, 98504-3430, (360) 753-7851.

Name of Proponent: Higher Education Coordinating Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: (1) These rules define the eligible student, eligible school, application procedure, recipient selection procedures, grant amounts, disbursement procedures, appeal procedures, and use of the Washington promise scholarship account.

(2) The rules provide the structure needed by the Higher Education Coordinating Board to identify and serve eligible students with scholarships through this program in the 1999-2001 biennium.

(3) Eligible students will receive promise scholarships in the 1999-2001 biennium.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule affects student eligibility for a state scholarship program. It does not impact small business.

RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not one of the agencies named in this statute.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, on February 16, 2000, at 8:30 a.m. - 12:00 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by February 15, 2000, TDD (360) 753-7809.

Submit Written Comments to: John Klacik, fax (360) 704-6251, johnk@hecb.wa.gov, by March 3, 2000.

Date of Intended Adoption: March 30, 2000.

December 21, 1999

John Klacik

Associate Director

Chapter 250-80 WAC

WASHINGTON PROMISE SCHOLARSHIP RULES

NEW SECTION

WAC 250-80-010 Purpose. The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state.

NEW SECTION

WAC 250-80-020 Definitions. (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also recognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

(a) Graduates from a public or private high school located in the state of Washington; and

(b) Is in the top ten percent of his or her 1999 graduating class; or

(c) Is in the top fifteen percent of his or her 2000 graduating class; and

(d) Has a family income less than one hundred thirty-five percent of the state's median; and

(e) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

(f) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) The Accrediting Bureau of Health Education Schools;

PROPOSED

(iii) The Accrediting Council for Continuing Education and Training;

(iv) The Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences; and

Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship. The board will determine the authorized use period for each class of graduating high school seniors.

NEW SECTION

WAC 250-80-030 Application procedure. (1) The eligible student will make application directly to the board.

(2) The completed application will include a data sheet, signed certification statement, a copy of the parent's previous calendar year's federal tax return for the purpose of verifying the income, and any other documentation requested by the board in response to missing, incomplete, or unclear information. Student income information will be accepted, in lieu of parental information, when the board recognizes the applicant as being an independent student.

(3) The board will treat all applications in a confidential manner.

(4) Applications will be made available through several means including:

(a) Mailings to public and private high school principals in the state;

(b) Posting on the HECB website ([HTTP://WWW.HECB.WA.GOV/](http://www.hecb.wa.gov/));

(c) Direct mailing to students.

(5) The board will annually set a deadline for the receipt of applications from that year's eligible graduating high school seniors and the deadline for renewal applications from eligible students having graduated in prior years.

(6) Applications must be received by the deadline for each graduating class of high school seniors to be considered for payment at any time during the authorized use period.

NEW SECTION

WAC 250-80-040 Recipient selection. (1) Recipients include all eligible students who have completed applications prior to the annual deadline, who are verified as having finished in the top ten percent of their senior graduating high school class, and who enroll in an eligible school.

(2) The student who is determined eligible for the first year of scholarship benefits is also presumed eligible for the second year's benefits. The student will not need to provide income information after once establishing his or her eligibility.

(3) Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits.

(4) Eligibility determinations made by the appeals committee are final.

NEW SECTION

WAC 250-80-050 Authorized award amounts. (1) The maximum annual authorized award shall not exceed the representative average annual tuition and fees for resident students attending the state's community and technical colleges, as determined by the board.

(2) The actual authorized annual award for each recipient shall be the annual appropriation, as determined by the board to be available for grants, evenly prorated among the eligible students.

NEW SECTION

WAC 250-80-060 Grant disbursement. (1) Eligible students must enroll on at least a half-time status in order to receive a scholarship disbursement.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

NEW SECTION

WAC 250-80-070 Renewals and authorized use period. (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) For the graduating classes of 1999 and 2000, the authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

PROPOSED

NEW SECTION

WAC 250-80-080 Appeals. (1) The board will set an annual deadline for the receipt of appeals.

(2) Appeals must be submitted to the board in writing before the application deadline.

(3) The board may use its judgment to except individual students from a program rule or rules based on substantial documented mitigating circumstances.

NEW SECTION

WAC 250-80-090 The account. (1) The Washington promise scholarship account is established in the custody of the state treasurer for the purpose of administering the Washington promise scholarship program.

(2) The annual allotment is to be deposited into the account for the purpose of making commitments to students for future scholarship payments, disbursements of the scholarship awards, and for the administrative expenses of the program, as limited by the board's biennial budget provisos.

(3) All moneys not claimed by students, the refund of tuition and fees, and contributions from nonstate sources are to be deposited into the account and used for future payments.

NEW SECTION

WAC 250-80-100 Program administration. (1) The higher education coordinating board shall administer the program. The board shall be responsible for:

- (a) Collection of student applications;
- (b) Determination of student eligibility;
- (c) Determination of the eligibility of postsecondary institutions within Washington;
- (d) Adjudication of all appeals;
- (e) Disbursement of awards; and
- (f) Maintenance of records.

(2) The OSPI shall be responsible for:

- (a) Certifying the list of qualified high schools in the state of Washington;
- (b) Providing guidance to high schools as to how the top ten percent or fifteen percent of each senior graduating class shall be determined;
- (c) Specifying the number of students per high school that may be named as comprising the top ten percent or top fifteen percent of the graduating class;
- (d) The collection and compilation of the list from each high school of the top ten percent or top fifteen percent of each graduating high school class; and
- (e) The delivery of that list to the board.

Preproposal statement of inquiry was filed as WSR 98-19-090.

Title of Rule: Somatic education training program exemption.

Purpose: To implement the 1997 legislation exempting somatic educators from the Massage Therapy Practice Act.

Statutory Authority for Adoption: Chapter 18.108 RCW.

Statute Being Implemented: Chapter 18.108 RCW.

Summary: This rule will allow the department to implement 1997 legislation exempting somatic educators from the Massage Therapy Practice Act.

Reasons Supporting Proposal: In order for somatic educators to qualify for this exemption there needs to be a means for approving qualified educational programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tammy Benson, 1300 Quince Street, Olympia, WA, (360) 236-4858.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule creates an application process for somatic education training programs so that the 1997 legislation exempting somatic educators from the Massage Therapy Practice Act may be implemented. The result of this rule will be that the programs will apply for approval and once the program is approved the graduates of the program will be able to practice under the exemption.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

The proposed rule will establish requirements for the somatic educator training program exemption. Under the Regulatory Fairness Act, chapter 19.85 RCW, a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. The standard industrial code classifications used to determine the threshold for more than minor impact were:

Standard Industrial Code	Economic Activity	Minor Cost Threshold
809	Misc. Health	\$53
Costs Required to Comply		
	Copying of already existing forms	\$10
	One hour of time for researching and copying by clerical office staff	\$15
TOTAL		\$25

The cost of the proposed rule does not exceed the threshold where an SBEIS is required.

A copy of the statement may be obtained by writing to Tammy Benson, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4858, fax (360) 753-0657.

WSR 00-01-185
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed December 22, 1999, 10:15 a.m.]

Original Notice.

RCW 34.05.328 applies to this rule adoption. This rule sets qualifications for an exemption from licensure. The additional analysis has been completed.

Hearing Location: 1101 Eastside Street, Olympia, WA 98504, on January 26, 2000, at 9 a.m.

Assistance for Persons with Disabilities: Contact Tammy Benson by January 15, 2000, TDD (800) 833-6388, or (360) 236-4858.

Submit Written Comments to: Tammy Benson, fax (360) 753-0657, by January 15, 2000.

Date of Intended Adoption: January 31, 2000.

December 21, 1999

Eric Slagle

for Mary Selecky

Secretary

NEW SECTION

WAC 246-830-485 Somatic education training program exemption. The secretary will consider approval for exemption from this chapter any individual who has completed a somatic education program that:

(1) Has a professional organization with a permanent administrative location that oversees the practice of somatic education training and that has the following:

- (a) Standards of practice;
- (b) A training accreditation process;
- (c) An instructor certification process;
- (d) A practitioner certification process;
- (e) A code of ethics or code of professional conduct.

(2) An authorized representative shall submit a request for approval of a program on forms provided by the secretary.

(3) The secretary or designee will evaluate the training program and grant approval or denial. If denied, applicants will be given the opportunity to appeal through the brief adjudicative hearing process as authorized in chapter 246-10 WAC.

(4) The secretary may request updated information from an approved training program every three years to check compliance with WAC requirements. Approval may be withdrawn if WAC requirements are not maintained. If approval is withdrawn, approved programs may appeal through the brief adjudicative process as authorized in chapter 246-10 WAC.

WSR 00-01-195

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 22, 1999, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-03-091.

Title of Rule: Grape virus quarantine, chapter 16-483 WAC.

Purpose: To protect the state's grape and grape related industries from establishment of plant virus diseases commonly found in stock from other areas of the nation.

Statutory Authority for Adoption: Chapters 15.13 and 17.24 RCW.

Statute Being Implemented: Chapters 15.13 and 17.24 RCW.

Summary: The proposed amendments to the existing quarantine eliminate one viral disease (stem pitting) from the list of quarantine diseases. They also convert the rule to clear and readable format and utilize terminology consistent with current industry practice and statutory language. Some provisions have been removed or repealed because they duplicate provisions of statute.

Reasons Supporting Proposal: Sophisticated new methods of testing have found stem pitting virus in certified planting stock from California, which has historically supplied significant portions of the wine grape industry. There is currently no practical way to segregate less active strains of the virus or to produce in-state uninfected planting stock in adequate amounts to supply Washington industry. This action will bring the rule into compliance with the principles of plant quarantine and NAPPO standards.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule preserves Washington's wine grape and other grape related industries from establishment of several grape virus diseases common in most other states. This confers an advantage to Washington growers, as their stock is healthier and more desirable, and it may confer a market advantage over grape planting stock from other areas. Since the remaining viruses are not known to occur in this state, the rule changes will bring the rule into compliance with proposed NAPPO standards, facilitating trade in the NAFTA community.

Proposal Changes the Following Existing Rules: The proposal removes one of the four viruses currently listed as quarantine pests from the existing rules. The proposal responds to recent discovery of stem pitting virus in certified grape planting stock from the California program. There is no evidence of stem pitting virus in Washington-produced certified planting stock; however, there is not enough in-state production of grapevines to supply current needs of our industry. California stock, which still certified for the remaining three viruses, is the most virus-free stock available to fill the remaining need. The effect of this rule would be to allow importation of California certified stock to continue, even though it is no longer certified as stem pitting free. Another effect of this rule change would be to bring the rule into compliance with NAPPO standards and the accepted principles of plant quarantine, as it appears an unknown number of Washington vineyards planted in the past from what was thought to be stem pitting-free stock may actually be infected. Since the disease appears to already be established

to an unknown extent in this state, a quarantine for this disease may no longer be justified.

Other changes involve alterations of terminology to reflect current industry practice and statutory language, removal of provisions duplicated in the enabling statutes, and use of clear and readable format.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule changes will have a net neutral or beneficial effect on affected parties. The current rule requires that all grape planting stock imported from other states be certified free from four virus diseases, including stem pitting. This has historically limited the source of most grape planting stock issued in Washington to in-state production (which cannot currently supply the state industry's needs) and to California certified stock. Due to a very recent change in circumstances (that is, the decertification of California certified stock for stem pitting virus), continuing this restriction would eliminate a necessary source of planting stock for next spring and beyond, and there is no anticipated adequate substitute source available at this time. Continuation of the current rule, without the proposed changes, would particularly negatively impact the Washington wine grape production industry. Also, since it appears that stem pitting virus has already unknowingly been imported into this state, it does not appear that continuing to allow California certified stock to be imported will materially negatively affect the existing long-term health of Washington vineyards.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington State University Irrigated Agriculture Research and Extension Center (IAREC), West Building Conference Room, 24106 North Bunn Road, Prosser, WA, on January 26, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Frazer by January 19, 2000, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mtoohey@agr.wa.gov, fax (360) 902-2094, by January 26, 2000.

Date of Intended Adoption: February 2, 2000.

December 22, 1999

Mary A. Martin Toohey

Assistant Director

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-001 Grape virus quarantine—Establishing quarantine. The production of wine grapes, ~~((table))~~ juice grapes, and grape ~~((plant nursery))~~ planting stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction and establishment of the virus diseases known as leafroll, fanleaf, and corky bark ~~((and stem pitting))~~ that are not ~~((established))~~ known to occur in the state of Washington.

The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape ~~((plants or propagative parts of grape plants. Introductions))~~ planting stock. The introduction and establishment of these virus diseases would entail great economic loss to the ~~((horticultural))~~ grape industries of the state. To ~~((prevent))~~ minimize this ~~((harm))~~ risk, the director, under the authority provided in chapter 17.24 RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-005 Grape virus quarantine—Definitions. ~~((1))~~ "Department" means the Washington state department of agriculture.

~~((2))~~ "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

~~((3))~~ "Grape ~~((plants and propagative parts))~~ planting stock" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (vitis species), except fruit, capable of propagation.

~~((4))~~ "Official certificate" means a document issued by an official ~~((inspection agency))~~ plant protection organization including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-010 Grape virus quarantine—Quarantine area. Areas under quarantine ~~((for grape virus))~~ include all states and territories of the United States outside of the territorial borders of the state of Washington.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-020 Grape virus quarantine—Regulated articles. All ~~((plants and plant parts capable of propagation (except fruit) of grapes are))~~ grape planting stock is regulated under the terms of ~~((the grape virus))~~ this quarantine.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-030 Grape virus quarantine—Regulations. Grape ~~((plants and propagative parts))~~ planting stock will be admitted into the state of Washington provided the following provisions are complied with:

(1) The grape ~~((plants or propagative parts have been))~~ planting stock has been certified in accordance with the regulations of an official ~~((state agency, which))~~ grapevine certification program that includes inspection and testing by ~~((indexing on suitable indicator hosts))~~ methods approved by the director for fanleaf, leafroll, ~~((stem pitting,))~~ and corky

bark virus diseases. ~~((All shipments of such grape cuttings shall be accompanied by a certificate issued by an agency of the state of origin certifying that the grape plants or cuttings were produced under official certification regulations and meet official certification standards as to freedom from fan-leaf, leafroll, stem pitting, and corky bark virus diseases.))~~ An official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state.

(2) All shipments of grape ~~((nursery))~~ planting stock ~~((shall))~~ must be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting ~~((regulated articles, identified in WAC 16-483-020,))~~ grape planting stock into this state from areas under quarantine shall notify the ~~((department's plant protection branch by United States))~~ department by mail or ~~((telefax))~~ telefacsimile prior to shipment. The notification must include ~~((of))~~ the nature ~~((and))~~ of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity ~~((of))~~ in each shipment, the expected date of arrival ~~((at destination)), the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the~~ ~~((same))~~ articles until ~~((they are))~~ the grape planting stock is inspected and/or released by the department.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-040 Grape virus quarantine—Disposition of material shipped in violation. ~~((All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of the grape virus quarantine, shall be refused admittance into the state of Washington, or shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.))~~ The department will refuse admittance into the state grape planting stock not meeting the requirements of this chapter. For grape planting stock shipped into the state in violation of this chapter, the department will give the owner or the owner's responsible agent the option of destroying the material or immediately sending it out of the state.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-050 Grape virus quarantine—Exemption. The restrictions on the movement of regulated articles set forth in this chapter ~~((shall))~~ do not apply to grape ~~((plants or propagative parts))~~ planting stock imported for experimental or trial purposes by the United States Department of Agriculture ~~((and the state experiment stations in the state of Washington.))~~ or Washington State University. Provided, ~~((That a permit to import is issued by the director of agriculture.))~~ a permit issued by the director is obtained.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-483-060

Grape virus quarantine—
Violation and penalty.

PROPOSED

WSR 00-01-065
EXPEDITED ADOPTION
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed December 13, 1999, 3:50 p.m.]

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marygrace G. Jennings, Department of General Administration, P.O. Box 41019, Olympia, WA 98504-1019, AND RECEIVED BY February 22, 2000.

December 10, 1999
 Cindy L. Runger
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-040 Administrative requirements for major and minor works on state capitol grounds. Prior to construction, proposing entities must ((address)) execute an agreement with the department of general administration that addresses the following administrative requirements in proposals for major or minor works.

(1) All development and installation costs, including required modifications and improvements to campus roads, sidewalks and utilities, shall be provided by the proposing entity.

(2) The cost of new works shall be paid for by the proposing entity. Prior to construction or installation of an approved work, the director shall determine that the proposing entity has available sufficient funds to complete the project. The proposing entity shall also make provisions for coverage of all maintenance and repair costs throughout the existence of the work. This is commonly accomplished through an endowment fund estimated at ten percent of the original project cost, or may be set at an amount determined by the director. If a major or minor work is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the proposing entity and the state specifying how the project costs including construction, maintenance and repairs will be shared.

(3) Complete conservation records that include specific information on materials and sources used in the execution, methods of fabrication, installation specifications, recommended method and frequency of maintenance, shall be provided to the state upon the completion of all new works.

Upon final placement and completion of a work that has been designed for or donated to the state for display on state capitol grounds, the state shall become sole owner of the work. The original artist or designer holds no rights to any work commissioned, donated, or purchased for display on state capitol grounds, including reproduction, access, modification, relocation, resale, etc., unless such rights are speci-

Title of Rule: Requirements for commemorative and art works on state capitol grounds, chapter 236-18 WAC.

Purpose: This rule governs the design and placement of commemorative works and other works of art on state capitol grounds. The proposed amendment adds language to WAC 236-18-08-070, to refine the requirements for inscriptions and text on these works, amends existing language of WAC 236-18-040 to clarify administrative requirements, and makes a minor correction to WAC 236-18-080.

Statutory Authority for Adoption: Chapter 43.34 RCW.
 Statute Being Implemented: Section 140(3), chapter 149, Laws of 1997.

Summary: New language added to WAC 236-18-070 limits text and inscriptions to interpretive information about the work itself or the subject of the work, limits the text of dedication plaques, and requires that intended use of donor tiles be included in design proposal. Changes to WAC 236-18-040 clarify that administrative requirements be addressed in written agreement prior to the start of construction. In WAC 236-18-080 the name of the Office of Archaeology and Historic Preservation is corrected.

Reasons Supporting Proposal: Clarifying changes and detail will improve the effectiveness of this rule for all of its users.

Name of Agency Personnel Responsible for Drafting: Marygrace Jennings, 1058 Capitol Way, Olympia, WA 98504-1019, (360) 664-0444; Implementation and Enforcement: Director, Department of General Administration, 200 General Administration Building, (360) 902-7200.

Name of Proponent: Department of General Administration, State Capitol Committee, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment adds new language to WAC 236-18-070 Guidelines for selecting designs for major works. The new language would ensure that text accompanying a work is directly related to the work, and is appropriately succinct. It also closes a "loophole" by clarifying that the use of donor tiles, which may be sold to finance a work, are included in the design proposal for the work, rather than added after the design has been approved.

Amends the language in WAC 236-18-040 to ensure that the administrative requirements set out in this section are considered and addressed in a written agreement with the Department of General Administration prior to the start of construction.

Corrects the name of the Office of Archaeology and Historic Preservation in WAC 236-18-080.

These are all clarifying changes that seek to improve the use and the benefit of this rule.

Proposal Changes the Following Existing Rules: Amendatory changes are proposed to chapter 236-18 WAC. See above.

EXPEDITED ADOPTION

cally allowed in formal written agreement between the director and the artist.

The state reserves the right to relocate or remove any works. Relocation planning will include consultation with the original artist and interested parties whenever practical.

Starting in 2030, following the centennial of the legislative building completion, and every fifty years thereafter, the state shall conduct a review of all monuments and memorials on state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria in WAC 236-18-030. The SCC shall approve all such actions.

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-070 Guidelines for selecting designs for major works. Proposing entities must address the following guidelines in proposing a design for a major work. Formal proposals prepared by proposing entities must include a description of how the design considers and responds to each of these guidelines. GA, CCDAC and SCC will use the following guidelines to evaluate and recommend or approve a final design selection.

(1) Legibility and meaning. The intended message of the work shall be clear and understandable, regardless of its type or style. The work shall convey meaning of enduring value that will continue its significance for future generations.

(2) Approachability and accessibility. Works shall be designed to permit people to engage with them: To have visual clues as to their location and to get close enough to be able to read them and examine details. Because major works often are gathering points, they shall be designed to meet Americans with Disability Act standards and, when necessary, provide such amenities as seating, paving, handrails, and ramps.

(3) Materials. Materials shall be chosen for their durability, sculptural qualities, visibility, and maintainability. Consideration shall also be given to rhythm and harmony with the existing setting.

(4) Vulnerability. The design of major and minor works shall be conscious of the potential for vandalism and minimize the opportunity for intentional defacement or destruction.

(5) Climatic context. The design shall consider issues of sunlight and shade, wind, rain and the variety of Washington seasons.

(6) Evening illumination. Major and minor works may be enhanced with night illumination integral to the work's design. Such illumination shall not conflict with other works, open space, buildings and their inhabitants, and the overall landscape.

(7) Completion. Works that by their nature are not complete at the time of installation, such as those to which names or dates are to be added over time, are strongly discouraged.

(8) Text and inscriptions. Lists of any kind are discouraged. Text and inscriptions shall be meaningful to the broadest possible audience. Inscriptions and text on monuments, works of art and related plaques shall be limited to interpretive information about the work itself or the subject it commemorates. Dedication plaques shall be limited to name of

the artist or designer, name of the proponent group, and the date completed or dedicated. The proposed use of donor tiles not defined as plaques shall be approved as part of the overall design of a work.

AMENDATORY SECTION (Amending WSR 98-01-112, filed 12/18/97, effective 1/18/98)

WAC 236-18-080 Procedure for development and review of major works proposals. The department and the state capitol committee will follow a procedure for reviewing and evaluating major works proposed for placement on state capitol grounds, with the advice and assistance of the capitol campus design advisory committee and the Washington state arts commission. As appropriate, the department may also consult with the office of ((archeologica)) archeology and historic preservation of the state department of community, trade and economic development, and with the department's state facilities accessibility advisory committee.

(1) The purpose of the procedure is to:

(a) Ensure that major works on state capitol grounds are carefully selected, designed, constructed and located to meet the criteria established in WAC 236-18-030 and address the guidelines provided in WAC 236-18-060 and 236-18-070;

(b) Preserve open space as a complete, precious and protected landscape feature of the state capitol grounds that invites public recreation and participation;

(c) Preserve options for placement of works on state capitol grounds for future generations. To further this purpose the department and the SCC shall:

(i) Encourage those proposing commemorative works to consider alternatives to monuments, such as groves, gardens, sculpture, fountains, and the naming of existing campus features;

(ii) Strongly encourage groups with related or similar interests to combine their proposals;

(iii) Encourage proposing entities to consider temporary works, or to consider temporary placement on state capitol grounds of works to be permanently located at other sites;

(iv) Cooperate with local authorities to develop opportunities for proposed works of significance to Washington state citizens which may be located outside the west campus of the state capitol grounds but within the capital community of Olympia, Tumwater and Lacey;

(d) Provide instructions to guide proposing entities in developing successful major works proposals.

(2) The procedure for development and review of major works proposals will follow the steps below.

1. Proposing entity.

a) Submits a preliminary proposal to the director for the development and placement of a major work on state capitol grounds. The preliminary proposal must describe:

- The concept and subject matter;
- How the proposal meets the criteria in WAC 236-18-

030;

- Preconceived design and site considerations, if any, to include size of the work;

- A description of the kinds of activities the site and the work may need to accommodate (public gatherings or ceremonies, for example);

- Anticipated cost and planned source of funding.

b) Designates a single spokesperson for the proposing entity.

2. Department of general administration (GA).

a) Provides advice and assistance as needed in understanding and addressing the criteria in WAC 236-18-030 and makes available to proposing entities a copy of the master plan.

b) Reviews the preliminary proposal to determine if it meets the criteria in WAC 236-18-030 and should proceed to step three.

c) Informs the state capitol committee (SCC) of all proposals received and reviewed.

3. GA director and spokesperson for the proposing entity.

Provide an initial briefing to the members of the SCC on the preliminary proposal. The purpose of this briefing is to identify threshold issues or concerns with the proposing entity's concept, subject, or siting considerations. Capitol campus design advisory committee (CCDAC) members shall also receive initial briefings at this time.

4. SCC.

a) Grants approval to proceed with site selection (step 5);

or

b) Denies approval; or

c) Refers the proposal to the CCDAC for review and advice; and/or

d) Requests that the proposing entity reconsider aspects of their proposal.

5. Proposing entity.

Once preliminary proposal has been approved by the SCC, describes the conditions and characteristics of the proposed work that may affect its location, developing a set of criteria that describe a preferred setting and design. In the case of existing works, the criteria will relate only to the setting for the work.

6. GA.

a) Reviews appropriate subcampus plans to identify planned sites meeting the criteria developed by the proposing entity. GA will consult with the proposing entity, and may provide a campus tour, discuss possible locations, and point out any constraints or barriers to various locations.

b) Selects a short list of sites that best meet the criteria.

c) Establishes specific design and site development guidelines for each site. These specific guidelines describe in greater detail the opportunities or restrictions on design development that are unique to each site.

7. CCDAC and WSAC.

Review selected sites and the development guidelines established by GA. CCDAC and WSAC may meet together or separately. Either body may:

a) Recommend revisions to GA's site development guidelines; or

b) Recommend that the proposing entity reconsider aspects of their preliminary proposal; or

c) Offer recommendations for consideration by the SCC.

8. GA director and spokesperson for the proposing entity.

a) Brief the SCC on the sites and site development guidelines.

b) If the proposal is for a work yet to be selected or designed, the proposing entity also describes:

- The selection/design process to be used;

- Anticipated budget and source of funding; and

• Preconceived design considerations within the context of the proposed sites.

9. SCC.

a) Grants site approval and, if the proposal is for placement of an existing work, authorizes the department to acquire the work; or

b) Requests further consideration by GA and CCDAC.

10. Proposing entity.

a) Once the site has been approved by the SCC, begins a process to design or select the work if the proposed work is yet to be selected or designed. This step may take several forms: A design competition; selection from a list of appropriate available works; selection of an artist or team which might include an artist, architect, or landscape architect who will design and produce a custom work. GA may provide assistance in this process. One representative of the department and one representative of the CCDAC shall be included in the proposing entity's selection process and final selection committee. The proposing entity is also encouraged to include a visual artist or other design professional as appropriate.

b) Selects final design proposal or proposes a completed work.

c) Submits a formal proposal to GA and the SCC that describes:

- How the proposal meets the criteria in WAC 236-18-030;

- How the proposal considers and responds to the guidelines provided in WAC 236-18-060 and 236-18-070;

- How the proposal addresses the administrative requirements of WAC 236-18-040; and

- Scale drawings or illustrations. A scale model may also be provided.

11. CCDAC, WSAC.

Review the formal proposal, meeting together or separately, and make recommendations to the director and to the SCC.

12. GA director and spokesperson for the proposing entity.

Present the formal proposal to the SCC for approval.

13. SCC.

a) Grants final approval; or

b) Requests that the CCDAC, WSAC, and GA director continue to work with the proposing entity to redevelop the proposal.

c) May require future check points.

WSR 00-01-139
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 20, 1999, 1:12 p.m.]

Title of Rule: Asbestos clarifications and corrections in chapter 296-62 WAC, Part I-1 and 296-65-003 Methylene chloride PEL in WAC 296-62-07515.

Purpose: Clarify asbestos clearance monitoring requirement, correct WAC references, change the emergency project definition in WAC 296-65-003 to be like RCW 49.26.125 (2)(a), and change the methylene chloride PEL listed in WAC 296-62-07515 to match substance specific standard in WAC 296-62-07470(3). Changes make it easier for employers to find, understand and comply with WISHA's requirements. They clarify current requirements, correct errors, and incorporate state statute into the rules.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050 and 49.26.130.

Statute Being Implemented: Chapters 49.17 and 49.26 RCW.

Summary: Asbestos: We clarified clearance monitoring by adding a description similar to what was left out in the previous rulemaking; corrected WAC references; and corrected the emergency project definition in WAC 296-65-003 to be like the definition in RCW 49.26.125 (2)(a).

Methylene chloride PEL: We changed the permissible exposure limit in WAC 296-62-07515 to match the PEL in the methylene chloride standard (WAC 296-62-07470(3)) and to be like OSHA's standards in 29 C.F.R. 1910.1052(c) and 29 C.F.R. 1910.1000.

Reasons Supporting Proposal: Clarifications and corrections make it easier to find, understand and comply with WISHA's rules.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; **Implementation and Enforcement:** Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Methylene chloride PEL — see 29 C.F.R. 1910.1052(3) and 1910.1000.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-62-07515 Control of chemical agents, changed the methylene chloride permissible exposure limit (PEL) listed in the table to match the PEL in the state and federal methylene chloride standards (WAC 296-62-07470(3) and 29 C.F.R. 1910.1052(c)).

WAC 296-62-07709 Exposure assessment and monitoring, in subsection (3)(g), corrected WAC reference by changing WAC 296-62-07709 (3)(g) to "subsection (3)(h) of this section" and deleted an obsolete WAC reference that no longer applies. In subsection (3)(h), added clarification for clearance monitoring that was inadvertently left out in the previous rulemaking. Description added is similar to previous description.

WAC 296-62-07713 Methods of compliance for asbestos activities in general industry.

- Deleted redundant clean-up requirements in subsection (2). Based on the history of these requirements, we found that they relate to construction activities and were originally located in chapter 296-155 WAC. When we combined the asbestos rules into one standard, the clean-up requirements went in WAC 296-62-07723 Housekeeping, but were not removed from WAC 296-62-07713(2).
- Changed numbering of subsections.
- In subsection (4), changed references to Appendix F; changed reference to Method A to read "Method (1) negative pressure enclosure/HEPA vacuum system" to accurately reference method in Appendix F; and clarified when employers may use Method (4) Wet method instead of Method (1).

WAC 296-62-07722 Employee information and training, in subsection (3)(a), deleted "and Class II" to clarify. Class II requirements are covered in subsection (3)(b).

WAC 296-62-07727 Recordkeeping, in subsection (2)(a), corrected a WAC reference.

WAC 296-62-07745 Appendix F, corrected WAC references throughout.

WAC 296-65-003 Definitions, changed emergency project definitions to be like RCW 49.26.125 (2)(a) to read "...and does not include operations that are necessitated by nonroutine failures of equipment or systems."

Proposal Changes the Following Existing Rules: We changed the definition of emergency project to match Washington state statute found in RCW 49.26.125 (2)(a), correcting an error in the current asbestos rules. Other changes do not change current requirements. They clarify and correct WAC references.

See Explanation of Rule above for a description of changes.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY February 23, 2000.

December 20, 1999

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-10-029, filed 4/24/98, effective 7/24/98)

WAC 296-62-07515 Control of chemical agents. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1: LIMITS FOR AIR CONTAMINANTS

Permissible Exposure Limits (PEL)

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Abate, see Temephos	—	—	—	—	—	—	—	—
Acetaldehyde	75-07-0	100	180	150	270	—	—	—
Acetic acid	64-19-7	10	25	—	—	—	—	—
Acetic anhydride	108-24-7	—	—	—	—	5.0	20	—
Acetone	67-64-1	750	1800	1000	2400	—	—	—
Acetonitrile	75-05-8	40	70	60	105	—	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—	—	—	—
Acetylene	74-86-2	Simple	Asphyxiant	—	—	—	—	—
Acetylene dichloride (see 1,2-Dichloroethylene)	—	—	—	—	—	—	—	—
Acetylene tetrabromide	79-27-6	1.0	14	—	—	—	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	—	5.0	—	—	—	—	—
Acrolein	107-02-8	0.1	0.25	0.3	0.8	—	—	—
Acrylamide	79-06-1	—	0.03	—	—	—	—	X
Acrylic acid	79-10-7	10	30	—	—	—	—	X
Acrylonitrile (see WAC 296-62-07336(3))	107-13-1	—	—	—	—	—	—	—
Aldrin	309-00-2	—	0.25	—	—	—	—	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	—	—	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	—	—	—
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	—	—	—
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	—	—	—
alpha-Alumina (see Aluminum oxide)	1344-28-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Aluminum, metal and oxide (as Al)	7429-90-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
pyro powders	—	—	5.0	—	—	—	—	—
welding fumes ^f	—	—	5.0	—	—	—	—	—
soluble salts	—	—	2.0	—	—	—	—	—
alkyls (NOC)	—	—	2.0	—	—	—	—	—
Alundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—	—	—	—
2-Aminoethanol (see Ethanolamine)	—	—	—	—	—	—	—	—
2-Aminopyridine	504-29-0	0.5	2.0	—	—	—	—	—
Amitrole	61-82-5	—	0.2	—	—	—	—	—
Ammonia	7664-41-7	25	18	35	27	—	—	—
Ammonium chloride, fume	12125-02-9	—	10	—	20	—	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
n-Amyl acetate	628-63-7	100	525	—	—	—	—	—

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Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
sec-Amyl acetate	626-38-0	125	650	—	—	—	—	—
Aniline and homologues	62-53-3	2.0	8.0	—	—	—	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	—	—	—	—	X
Antimony and compounds (as Sb)	7440-36-0	—	0.5	—	—	—	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	—	0.3	—	—	—	—	—
Argon	7440-37-1	Simple	Asphyxiant	—	—	—	—	—
Arsenic, Organic compounds (as As)	7440-38-2	—	0.2	—	—	—	—	—
Arsenic, Inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	—	0.01	—	—	—	—	—
Arsenic, Inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	—	0.2	—	—	—	—	—
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—
Asbestos (see WAC 296-62-077 through 296-62-07753)	—	—	—	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	—	5.0	—	—	—	—	—
Atrazine	1912-24-9	—	5.0	—	—	—	—	—
Azinphos methyl	86-50-0	—	0.2	—	—	—	—	X
Barium, soluble compounds (as Ba)	7440-39-3	—	0.5	—	—	—	—	—
Barium Sulfate	7727-43-7	—	—	—	—	—	—	—
Total dust	—	—	10.0	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Benomyl	17804-35-2	—	—	—	—	—	—	—
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Benzene (see WAC 296-62-07523) ^d	71-43-2	1.0	—	5.0	—	—	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—	—	—	—
p-Benzoquinone (see Quinone)	—	—	—	—	—	—	—	—
Benzo(a) pyrene (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Benzoyl peroxide	94-36-0	—	5.0	—	—	—	—	—
Benzyl chloride	100-44-7	1.0	5.0	—	—	—	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	—	0.002	—	0.005 (30 min.)	—	0.025	—
Biphenyl (see Diphenyl)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts	—	—	—	—	—	—	—	—
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—
Pentahydrate	12179-04-3	—	1.0	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Boron oxide	1303-86-2	—	10	—	—	—	—	—
Total dust	—	—	—	—	—	—	—	—
Boron tribromide	10294-33-4	—	—	—	—	1.0	10	—
Boron trifluoride	7637-07-2	—	—	—	—	1.0	3.0	—
Bromacil	314-40-9	1.0	10	—	—	—	—	—
Bromine	7726-95-6	0.1	0.7	0.3	2.0	—	—	—
Bromine pentafluoride	7789-30-2	0.1	0.7	—	—	—	—	—
Bromochloromethane (see Chlorobromomethane)	—	—	—	—	—	—	—	—
Bromoform	15-25-2	0.5	5.0	—	—	—	—	X
Butadiene (1,3-butadiene)	106-99-0	1	2.2	5	—	—	—	—
Butane	106-97-8	800	1,900	—	—	—	—	—
Butanethiol (see Butyl mercaptan)	—	—	—	—	—	—	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	—	—	—
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	—	—	—	—	X
n-Butyl acetate	123-86-4	150	710	200	950	—	—	—
sec-Butyl acetate	105-46-4	200	950	—	—	—	—	—
tert-Butyl acetate	540-88-5	200	950	—	—	—	—	—
Butyl acrylate	141-32-2	10	55	—	—	—	—	—
n-Butyl alcohol	71-36-3	—	—	—	—	50	150	X
sec-Butyl alcohol	78-92-2	100	305	—	—	—	—	—
tert-Butyl alcohol	75-65-0	100	300	150	450	—	—	—
Butylamine	109-73-9	—	—	—	—	5.0	15	X
tert-Butyl chromate (see CrO3)	1189-85-1	—	—	—	—	—	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	—	—	—	—	—
n-Butyl lactate	138-22-7	5.0	25	—	—	—	—	—
Butyl mercaptan	109-79-5	0.5	1.5	—	—	—	—	—
o-sec-Butylphenol	89-72-5	5.0	30	—	—	—	—	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	—	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	—	—	—	—	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	—	—	—	—	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—
Calcium hydroxide	1305-62-0	—	5.0	—	—	—	—	—
Calcium oxide	1305-78-8	—	2.0	—	—	—	—	—
Calcium silicate	1344-95-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Calcium sulfate	7778-18-9	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam	105-60-2	—	—	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m ^{3b}	ppm ^a	_mg/m ^{3b}	ppm ^a	_mg/m ^{3b}	
Dust	—	—	1.0	—	3.0	—	—	—
Vapor	—	5.0	20	10	40	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—
Carbaryl (Sevin)	63-25-2	—	5.0	—	—	—	—	—
Carbofuran (Furadon)	1563-66-2	—	0.1	—	—	—	—	—
Carbon black	1333-86-4	—	3.5	—	—	—	—	—
Carbon dioxide	124-38-9	5,000	9,000	30,000	54,000	—	—	—
Carbon disulfide	75-15-0	4.0	12	12	36	—	—	X
Carbon monoxide	630-08-0	35	40	—	—	200 ^j	229 ^j	—
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	—	—	—
Carbon tetrachloride	56-23-5	2.0	12.6	—	—	—	—	X
Carbonyl chloride (see Phosgene)	—	—	—	—	—	—	—	—
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	—	—	—
Catechol (Pyrocatechol)	120-80-9	5.0	20	—	—	—	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Cesium hydroxide	21351-79-1	—	2.0	—	—	—	—	—
Chlordane	57-74-9	—	0.5	—	—	—	—	X
Chlorinated camphene	8001-35-2	—	0.5	—	1.0	—	—	X
Chlorinated diphenyl oxide	55720-99-5	—	0.5	—	—	—	—	—
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	—
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	—	—	—
Chlorine trifluoride	7790-91-2	—	—	—	—	0.1	0.4	—
Chloroacetaldehyde	107-20-0	—	—	—	—	1.0	3.0	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	—	—	—	—	—
Chloroacetyl chloride	79-04-9	0.05	0.2	—	—	—	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	—	—	—	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	—	—	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	—	—	—	—	—
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	—	—	—	—	—	—	—	—
Chlorodifluoromethane	75-45-6	1,000	3,500	—	—	—	—	—
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	—	1.0	—	—	—	—	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	—	0.5	—	—	—	—	X
1-Chloro-2, 3-epoxypropane (see Epichlorhydrin)	—	—	—	—	—	—	—	—
2-Chloroethanol (see Ethylene chlorhydrin)	—	—	—	—	—	—	—	—
Chloroethylene (see vinyl chloride)	—	—	—	—	—	—	—	—
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	—	—	—	—	—
1-Chloro-1-nitropropane	600-25-9	2.0	10	—	—	—	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	—	—	—	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000	6,320	—	—	—	—	—
Chloropicrin	76-06-2	0.1	0.7	—	—	—	—	—
beta-Chloroprene	126-99-8	10	35	—	—	—	—	X
o-Chlorostyrene	2039-87-4	50	285	75	428	—	—	—
o-Chlorotoluene	95-49-8	50	250	—	—	—	—	—
2-Chloro-6-trichloromethyl pyridine (see Nitrapyrin)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X
Chromic acid and chromates (as CrO3)	Varies with com- pounds	—	—	—	—	0.1	—	—
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	—	0.5	—	—	—	—	—
Chromium (VI) compounds (as Cr)	—	—	0.05	—	—	—	—	—
Chromium Metal and insoluble salts	7440-47-3	—	0.5	—	—	—	—	—
Chromyl chloride	14977-61-8	0.025	0.15	—	—	—	—	—
Chrysene (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Clopidol	2971-90-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Coal dust (less than 5% SiO2) Respirable fraction	—	—	2.0 ^g	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO2) Respirable fraction	—	—	0.1 ^h	—	—	—	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	—	0.2	—	—	—	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	—	0.05	—	—	—	—	—
Cobalt carbonyl (as Co)	10210-68-1	—	0.1	—	—	—	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	—	0.1	—	—	—	—	—
Coke oven emissions (see WAC 296-62-200)	—	—	—	—	—	—	—	—
Copper fume (as Cu)	7440-50-8	—	0.1	—	—	—	—	—
Dusts and mists (as Cu)	—	—	1.0	—	—	—	—	—
Cotton dust (raw) ^e	—	—	1.0	—	—	—	—	—
Corundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
Crag herbicide (Sesone)	136-78-7	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	—	—	—	—	—
Crufomate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies with compound	—	5.0	—	—	—	—	X
Cyanogen	460-19-5	10	20	—	—	—	—	—
Cyanogen chloride	506-77-4	—	—	—	—	0.3	0.6	—
Cyclohexane	110-82-7	300	1,050	—	—	—	—	—
Cyclohexanol	108-93-0	50	200	—	—	—	—	X
Cyclohexanone	108-94-1	25	100	—	—	—	—	X
Cyclohexene	110-83-8	300	1,015	—	—	—	—	—
Cyclohexylamine	108-91-8	10	40	—	—	—	—	—
Cyclonite (see RDX)	121-82-4	—	1.5	—	—	—	—	X
Cyclopentadiene	542-92-7	75	200	—	—	—	—	—
Cyclopentane	287-92-3	600	1,720	—	—	—	—	—
Cyhexatin	13121-70-5	—	5.0	—	—	—	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	—	10	—	—	—	—	—
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	—	1.0	—	—	—	—	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	—	—	—	—	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	—	—	X
Demeton	8065-48-3	0.01	0.1	—	—	—	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	—	—	—	—	—
1, 2-Diaminoethane (see Ethylenediamine)	—	—	—	—	—	—	—	—
Diazinon	333-41-5	—	0.1	—	—	—	—	X
Diazomethane	334-88-3	0.2	0.4	—	—	—	—	—
Diborane	19287-45-7	0.1	0.1	—	—	—	—	—
Dibrom (see Naled)	—	—	—	—	—	—	—	—
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	—	—	—	—	—	—	—
2-N-Dibutylamino ethanol	102-81-8	2.0	14	—	—	—	—	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	—	—	—
Dibutyl phthalate	84-74-2	—	5.0	—	—	—	—	—
Dichloroacetylene	7572-29-4	—	—	—	—	0.1	0.4	—
o-Dichlorobenzene	95-50-1	—	—	—	—	50	300	—
p-Dichlorobenzene	106-46-7	75	450	110	675	—	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—	—	—	—
Dichlorodifluoromethane	75-71-8	1,000	4,950	—	—	—	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	—	0.2	—	0.4	—	—	—
1, 1-Dichloroethane	75-34-3	100	400	—	—	—	—	—
1, 2-Dichloroethane (see Ethylene dichloride)	—	—	—	—	—	—	—	—
1, 2-Dichloroethylene	540-59-0	200	790	—	—	—	—	—
1, 1-Dichloroethylene (see Vinylidene chloride)	—	—	—	—	—	—	—	—
Dichloroethyl ether	111-44-4	5.0	30	10	60	—	—	X
Dichlorofluoromethane	75-43-4	10	40	—	—	—	—	—
Dichloromethane (see Methylene chloride)	—	—	—	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	—	—	—	—
1, 2-Dichloropropane (see Propylene dichloride)	—	—	—	—	—	—	—	—
Dichloropropene	542-75-6	1.0	5.0	—	—	—	—	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	—	—	—	—	—
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	—	—	—	—	—
Dichlorvos (DDVP)	62-73-7	0.1	1.0	—	—	—	—	X
Dicrotophos	141-66-2	—	0.25	—	—	—	—	X
Dicyclopentadiene	77-73-6	5.0	30	—	—	—	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Dieldrin	60-57-1	—	0.25	—	—	—	—	X
Diethanolamine	111-42-2	3.0	15	—	—	—	—	—
Diethylamine	109-89-7	10	30	25	75	—	—	—
2-Diethylaminoethanol	100-37-8	10	50	—	—	—	—	X
Diethylene triamine	111-40-0	1.0	4.0	—	—	—	—	X
Diethyl ether (see Ethyl ether)	—	—	—	—	—	—	—	—
Diethyl ketone	96-22-0	200	705	—	—	—	—	—
Diethyl phthalate	84-66-2	—	5.0	—	—	—	—	—
Difluorodibromomethane	75-61-6	100	860	—	—	—	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	—	—	—	—	—
Dihydroxybenzene (see Hydroquinone)	—	—	—	—	—	—	—	—
Diisobutyl ketone	108-83-8	25	150	—	—	—	—	—
Diisopropylamine	108-18-9	5.0	20	—	—	—	—	X
Dimethoxymethane (see Methylal)	—	—	—	—	—	—	—	—
Dimethyl acetamide	127-19-5	10	35	—	—	—	—	X
Dimethylamine	124-40-3	10	18	—	—	—	—	—
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	—	—	—	—	—	—	—
Dimethylaminobenzene (see Xylidene)	—	—	—	—	—	—	—	—
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	—	—	X
Dimethylbenzene (see Xylene)	—	—	—	—	—	—	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	—	3.0	—	—	—	—	X
Dimethylformamide	68-12-2	10	30	—	—	—	—	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	—	—	—	—	—	—	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	—	—	—	—	X
Dimethyl phthalate	131-11-3	—	5.0	—	—	—	—	—
Dimethyl sulfide	77-78-1	0.1	0.5	—	—	—	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	—	5.0	—	—	—	—	—
Dinitrobenzene (all isomers)	(alpha) 528-29-0; 0.15 (meta) 99-65-0; (para) 100-25-4	—	1.0	—	—	—	—	X
Dinitro-o-cresol	534-52-1	—	0.2	—	—	—	—	X
Dinitrotoluene	25321-14-6	—	1.5	—	—	—	—	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	—	—	—	—	X
Dioxathion	78-34-2	—	0.2	—	—	—	—	X

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	—	—	—	—	—
Diphenylamine	122-39-4	—	10	—	—	—	—	—
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—	—	—	—	—	—	—
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	—	—	X
Dipropyl ketone	123-19-3	50	235	—	—	—	—	—
Diquat	85-00-7	—	0.5	—	—	—	—	—
Di-sec. Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	—	5.0	—	10	—	—	—
Disulfram	97-77-8	—	2.0	—	—	—	—	—
Disulfoton	298-04-4	—	0.1	—	—	—	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	—	10	—	—	—	—	—
Diuron	330-54-1	—	10	—	—	—	—	—
Divinyl benzene	1321-74-0	10	50	—	—	—	—	—
Emery	12415-34-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Endosulfan (Thiodan)	115-29-7	—	0.1	—	—	—	—	X
Endrin	72-20-8	—	0.1	—	—	—	—	X
Epichlorhydrin	106-89-8	2.0	8.0	—	—	—	—	X
EPN	2104-64-5	—	0.5	—	—	—	—	X
1, 2-Epoxypropane (see Propylene oxide)	—	—	—	—	—	—	—	—
2, 3-Epoxy-1-propanol (see Glycidol)	—	—	—	—	—	—	—	—
Ethane	—	Simple	Asphyxiant	—	—	—	—	—
Ethanethiol (see Ethyl mercaptan)	—	—	—	—	—	—	—	—
Ethanolamine	141-43-5	3.0	8.0	6.0	15	—	—	—
Ethion	563-12-2	—	0.4	—	—	—	—	X
2-Ethoxyethanol	110-80-5	5.0	19	—	—	—	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	—	—	—	—	X
Ethyl acetate	141-78-6	400	1,400	—	—	—	—	—
Ethyl acrylate	140-88-5	5.0	20	25	100	—	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	—	—	—	—	—
Ethylamine	75-04-07	10	18	—	—	—	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25	130	—	—	—	—	—
Ethyl benzene	100-41-4	100	435	125	545	—	—	—
Ethyl bromide	74-96-4	200	890	250	1,110	—	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	—	—	—	—	—
Ethyl chloride	75-00-3	1,000	2,600	—	—	—	—	—
Ethylene	74-85-1	Simple	Asphyxiant	—	—	—	—	—
Ethylene chlorohydrin	107-07-3	—	—	—	—	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	—	—	—	—	X
Ethylene dibromide	106-93-4	0.1	—	0.5	—	—	—	—
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	—	—	—
Ethylene glycol	107-21-1	—	—	—	—	50	125	—
Ethylene glycol dinitrate	628-96-6	—	—	—	0.1	—	—	X

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1.0	2.0	—	—	—	—	—
Ethyl ether	60-29-7	400	1,200	500	1,500	—	—	—
Ethyl formate	109-94-4	100	300	—	—	—	—	—
Ethylidene chloride (see 1, 1-Dichloroethane)	—	—	—	—	—	—	—	—
Ethylidene norbornene	16219-75-3	—	—	—	—	5.0	25	—
Ethyl mercaptan	75-08-1	0.5	1.0	—	—	—	—	—
n-Ethylmorpholine	100-74-3	5.0	23	—	—	—	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	—	25	130	—	—	—	—	—
Ethyl silicate	78-10-4	10	85	—	—	—	—	—
Fenamiphos	22224-92-6	—	0.1	—	—	—	—	X
Fensulfothion (Dasanit)	115-90-2	—	0.1	—	—	—	—	—
Fenthion	55-38-9	—	0.2	—	—	—	—	X
Ferbam	14484-64-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F)	Varies with compound	—	2.5	—	—	—	—	—
Fluorine	7782-41-4	0.1	0.2	—	—	—	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	—	—	1,000	5,600	—
Fonofos	944-22-9	—	0.1	—	—	—	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75	—	2.0	—	—	—	—
Formamide	75-12-7	20	30	30	45	—	—	—
Formic acid	64-18-6	5.0	9.0	—	—	—	—	—
Furfural	98-01-1	2.0	8.0	—	—	—	—	X
Furfuryl alcohol	98-00-0	10	40	15	60	—	—	X
Gasoline	8006-61-9	300	900	500	1,500	—	—	—
Germanium tetrahydride	7782-65-2	0.2	0.6	—	—	—	—	—
Glass, fibrous or dust	—	—	10	—	—	—	—	—
Gluteraldehyde	111-30-8	—	—	—	—	0.2	0.8	—
Glycerin mist	56-81-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25	75	—	—	—	—	—
Glycol monoethyl ether (see 2-Ethoxyethanol)	—	—	—	—	—	—	—	—
Grain dust (oat, wheat, barley)	—	—	10	—	—	—	—	—
Graphite, natural	7782-42-5	—	—	—	—	—	—	—
Respirable dust	—	—	2.5 ^k	—	—	—	—	—
Graphite, Synthetic	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Hafnium	7440-58-6	—	0.5	—	—	—	—	—
Helium	—	Simple	Asphyxiant	—	—	—	—	—
Heptachlor	76-44-8	—	0.5	—	—	—	—	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	—	—	—
2-Heptanone (see Methyl n-amyl ketone)	—	—	—	—	—	—	—	—
3-Heptanone (see Ethyl butyl ketone)	—	—	—	—	—	—	—	—
Hexachlorobutadiene	87-68-3	0.02	0.24	—	—	—	—	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	—	—	—	—	—
Hexachloroethane	67-72-1	1.0	10	—	—	—	—	X
Hexachloronaphthalene	1335-87-1	—	0.2	—	—	—	—	X
Hexafluoroacetone	684-16-2	0.1	0.7	—	—	—	—	X
Hexane	—	—	—	—	—	—	—	—
n-hexane	110-54-3	50	180	—	—	—	—	—
other Isomers	Varies with com- pound	500	1,800	1,000	3,600	—	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	—	—	—	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	—	—	—
sec-Hexyl acetate	108-84-9	50	300	—	—	—	—	—
Hexylene Glycol	107-41-5	—	—	—	—	25	125	—
Hydrazine	302-01-2	0.1	0.1	—	—	—	—	X
Hydrogen	—	Simple	Asphyxiant	—	—	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5	5.0	—	—	—	—	—
Hydrogen bromide	10035-10-6	—	—	—	—	3.0	10	—
Hydrogen chloride	7647-01-0	—	—	—	—	5.0	7.0	—
Hydrogen cyanide	74-90-8	—	—	4.7	5.0	—	—	X
Hydrogen fluoride	7664-39-3	—	—	—	—	3.0	2.5	—
Hydrogen peroxide	7722-84-1	1.0	1.4	—	—	—	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	—	—	—	—	—
Hydrogen Sulfide	7783-06-4	10	14	15	21	—	—	—
Hydroquinone	123-31-9	—	2.0	—	—	—	—	—
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	—	—	—	—	—	—	—	—
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	—	—	—	—	X
Indene	95-13-6	10	45	—	—	—	—	—
Indium and compounds (as In)	7440-74-6	—	0.1	—	—	—	—	—
Iodine	7553-56-2	—	—	—	—	0.1	1.0	—
Iodoform	75-47-8	0.6	10	—	—	—	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—	—	—	—
Total particulate	—	—	5.0	—	—	—	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	—	—	—
Iron salts, soluble (as Fe)	Varies with com- pound	—	1.0	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Isobutyl acetate	110-19-0	150	700	—	—	—	—	—
Isobutyl alcohol	78-83-1	50	150	—	—	—	—	—
Isocetyl alcohol	26952-21-6	50	270	—	—	—	—	X
Isophorone	78-59-1	4.0	23	—	—	5.0	25	—
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	—	—	—	X
Isopropoxyethanol	109-59-1	25	105	—	—	—	—	—
Isopropyl acetate	108-21-4	250	950	310	1,185	—	—	—
Isopropyl alcohol	67-63-0	400	980	500	1,225	—	—	—
Isopropylamine	75-31-0	5.0	12	10	24	—	—	—
N-Isopropylaniline	768-52-5	2.0	10	—	—	—	—	X
Isopropyl ether	108-20-3	250	1,050	—	—	—	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	—	—	—
Kaolin	—	—	10	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	—	0.05	—	—	—	—	—
Lead arsenate (see WAC 296-62-07347)	3687-31-8	—	0.05	—	—	—	—	—
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3	—	10	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	X
Lindane	58-89-9	—	0.5	—	—	—	—	—
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	—	—	—	—	—
Magnesite	546-93-0	—	10	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Magnesium oxide fume	1309-48-4	—	10	—	—	—	—	—
Total particulate	—	—	10	—	—	—	—	—
Malathion	121-75-5	—	10	—	—	—	—	X
Total dust	—	—	10	—	—	—	—	—
Maleic anhydride	108-31-6	0.25	1.0	—	—	—	5.0	—
Manganese and compound (as Mn)	7439-96-5	—	—	—	—	—	—	—
Manganese tetroxide and fume (as Mn)	7439-96-5	—	1.0	—	3.0	—	—	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	—	0.1	—	—	—	—	X
Manganese tetroxide (as Mn)	1317-35-7	—	1.0	—	—	—	—	—
Marble	1317-65-3	—	10	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	X
Mercury (aryl and inorganic) (as Hg)	7439-97-6	—	—	—	—	—	0.1	—
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	—	0.01	—	0.03	—	—	X
Mercury (vapor) (as Hg)	7439-97-6	—	0.05	—	—	—	—	X
Mesityl oxide	141-79-7	15	60	25	100	—	—	—
Methacrylic acid	79-41-4	20	70	—	—	—	—	X
Methane	—	Simple	Asphyxiant	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Methanethiol (see Methyl mercaptan)	—	—	—	—	—	—	—	—
Methomyl (Iannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	—	—	—	—	X
4-Methoxyphenol	150-76-5	—	5.0	—	—	—	—	—
Methyl acetate	79-20-9	200	610	250	760	—	—	—
Methyl acetylene (propyne)	74-99-7	1,000	1,650	—	—	—	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000	1,800	1,250	2,250	—	—	—
Methyl acrylate	96-33-3	10	35	—	—	—	—	X
Methylacrylonitrile	126-98-7	1.0	3.0	—	—	—	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	—	—	—	—	—
Methyl alcohol (methanol)	67-56-1	200	260	250	325	—	—	X
Methylamine	74-89-5	10	12	—	—	—	—	—
Methyl amyl alcohol (see Methyl isobutyl carbinol)	—	—	—	—	—	—	—	—
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	—	—	—	—	—
N-Methyl aniline (see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone (see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	—	—	—	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	—	—	—	—	X
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350	1,900	450	2,450	—	—	—
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	—	—	—	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	—	—	—
Methylcyclohexane	108-87-2	400	1,600	—	—	—	—	—
Methylcyclohexanol	25639-42-3	50	235	—	—	—	—	—
Methylcyclohexanone	583-60-8	50	230	75	345	—	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	—	0.2	—	—	—	—	X
Methyl demeton	8022-00-2	—	0.5	—	—	—	—	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	—	—	—	—	0.02	0.2	—
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	—	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	—	—	0.01	0.11	—
Methylene chloride (see WAC 296-62- 07470)	75-09-2	((400)) 25	—	((500)) 125	—	—	—	—
4, 4'-Methylene dianiline	101-77-9	0.1	0.8	—	—	—	—	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	—	—	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	—	—	0.2	1.5	—
Methyl formate	107-31-3	100	250	150	375	—	—	—
5-Methyl-3-heptanone (see Ethyl amyl ketone)	—	—	—	—	—	—	—	—
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	—	—	—	—	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	—	—	—	—	X
Methyl isoamyl ketone	110-12-3	50	240	—	—	—	—	—
Methyl isobutyl carbinol	108-11-2	25	100	40	165	—	—	X
Methyl isobutyl ketone (see Hexone)	—	—	—	—	—	—	—	—
Methyl isocyanate	624-83-9	0.02	0.05	—	—	—	—	X
Methyl isopropyl ketone	563-80-4	200	705	—	—	—	—	—
Methyl mercaptan	74-93-1	0.5	1.0	—	—	—	—	—
Methyl methacrylate	80-62-6	100	410	—	—	—	—	—
Methyl parathion	298-00-0	—	0.2	—	—	—	—	X
Methyl propyl ketone (see 2-Pentanone)	—	—	—	—	—	—	—	—
Methyl silicate	684-84-5	1.0	6.0	—	—	—	—	—
alpha-Methyl styrene	98-83-9	50	240	100	485	—	—	—
Mevinphos (see Phosdrin)	—	—	—	—	—	—	—	—
Metribuzin	21087-64-9	—	5.0	—	—	—	—	—
Mica (see Silicates)	—	—	—	—	—	—	—	—
Molybdenum (as Mo)	7439-98-7	—	5.0	—	—	—	—	—
Soluble compounds	—	—	5.0	—	—	—	—	—
Insoluble compounds	—	—	—	—	—	—	—	—
Total dust	—	—	—	10	—	—	—	—
Monocrotophos (Azodrin)	6923-22-4	—	0.25	—	—	—	—	X
Monomethyl aniline	100-61-8	0.5	2.0	—	—	—	—	—
Monomethyl hydrazine	—	—	—	—	—	0.2	0.35	—
Morpholine	110-91-8	20	70	30	105	—	—	X
Naled	300-76-5	—	3.0	—	—	—	—	X
Naphtha (Coal tar)	8030-30-6	100	400	—	—	—	—	—
Naphthalene	91-20-3	10	50	15	75	—	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—	—	—	—
Neon	7440-01-9	Simple	Asphyxiant	—	—	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—	—	—	—
Metal and insoluble compounds	—	—	1.0	—	—	—	—	—
Soluble compounds	—	—	0.1	—	—	—	—	X
Nicotine	54-11-5	—	0.5	—	—	—	—	—
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Nitric acid	7697-37-2	2.0	5.0	4.0	10	—	—	—
Nitric oxide	10102-43-9	25	30	—	—	—	—	—
p-Nitroaniline	100-01-6	—	3.0	—	—	—	—	X

EXPEDITED ADOPTION

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Nitrobenzene	98-95-3	1.0	5.0	—	—	—	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—	—	—	—
p-Nitrochlorobenzene	100-00-5	—	0.5	—	—	—	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—	—	—	—
Nitroethane	79-24-3	100	310	—	—	—	—	—
Nitrogen	7727-37-9	Simple	Asphyxiant	—	—	—	—	—
Nitrogen dioxide	10102-44-0	—	—	1.0	1.8	—	—	—
Nitrogen trifluoride	7783-54-2	10	29	—	—	—	—	—
Nitroglycerin	55-63-0	—	—	—	0.1	—	—	X
Nitromethane	75-52-5	100	250	—	—	—	—	—
1-Nitropropane	108-03-2	25	90	—	—	—	—	—
2-Nitropropane	79-46-9	10	35	—	—	—	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—	—	—	—
Nitrotoluene								
o-isomer	88-72-2	2.0	11	—	—	—	—	X
m-isomer	98-08-2	2.0	11	—	—	—	—	X
p-isomer	99-99-0	2.0	11	—	—	—	—	X
Nitrotirchloromethane (see Chloropicrin)	—	—	—	—	—	—	—	—
Nitrous Oxide (Nitrogen oxide)	10024-97-2	50	90	—	—	—	—	—
Nonane	111-84-2	200	1,050	—	—	—	—	—
Octachloronaphthalene	2234-13-1	—	0.1	—	0.3	—	—	X
Octane	111-65-9	300	1,450	375	1,800	—	—	—
Oil.mist, mineral (particulate)	8012-95-1	—	5.0	—	—	—	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	—	—	—
Oxalic acid	144-62-7	—	1.0	—	2.0	—	—	—
Oxygen difluoride	7783-41-7	—	—	—	—	0.05	0.1	—
Ozone	10028-15-6	0.1	0.2	0.3	0.6	—	—	—
Paraffin wax fume	8002-74-2	—	2.0	—	—	—	—	—
Paraquat (Respirable dust)	4685-14-7	—	0.1 ^k	—	—	—	—	X
	1910-42-5	—	—	—	—	—	—	—
	2074-50-2	—	—	—	—	—	—	—
Parathion	56-38-2	—	0.1	—	—	—	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Particulates not otherwise regulated (see WAC 296-62-07510)								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	—	—	—
Pentachloronaphthalene	1321-64-8	—	0.5	—	—	—	—	X
Pentachlorophenol	87-86-5	—	0.5	—	—	—	—	X
Pentaerythritol	115-77-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^b Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
Perchloromethyl mercaptan	594-42-3	0.1	0.8	—	—	—	—	—
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	—	—	—
Perlite	—	—	10	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Petroleum distillates (Naptha) (Rubber Solvent)	—	100	400	—	—	—	—	—
Phenol	108-95-2	5.0	19	—	—	—	—	X
Phenothiazine	92-84-2	—	5.0	—	—	—	—	X
p-Phenylene diamine	106-50-3	—	0.1	—	—	—	—	—
Phenyl ether (vapor)	101-84-8	1.0	7.0	—	—	—	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1.0	7.0	—	—	—	—	—
Phenylethylene (see Styrene)	—	—	—	—	—	—	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	—	—	—	—	—
Phenylhydrazine	100-63-0	5.0	20	10	45	—	—	X
Phenyl mercaptan	108-98-5	0.5	2.0	—	—	—	—	—
Phenylphosphine	638-21-1	—	—	—	—	0.05	0.25	—
Phorate	298-02-2	—	0.05	—	0.2	—	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	—	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	—	—	—	—	—
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	—	—	—
Phosphoric acid	7664-38-2	—	1.0	—	3.0	—	—	—
Phosphorus (yellow)	7723-14-0	—	0.1	—	—	—	—	—
Phosphorous oxychloride	10025-87-3	0.1	0.6	—	—	—	—	—
Phosphorus pentachloride	10026-13-8	0.1	1.0	—	—	—	—	—
Phosphorus pentasulfide	1314-80-3	—	1.0	—	3.0	—	—	—
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	—	—	—
Phthalic anhydride	85-44-9	1.0	6.0	—	—	—	—	—
m-Phthalodinitrile	626-17-5	—	5.0	—	—	—	—	—
Picloram	1918-02-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	X
Picric acid	88-89-1	—	0.1	—	—	—	—	—
Pindone (2-Pivalyl-1, 3-indandione)	83-26-1	—	0.1	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—	—	—	—
Metal	—	—	1.0	—	—	—	—	—
Soluble salts	—	—	0.002	—	—	—	—	—
Polychlorobiphenyls (see Chlorodiphenyls)	—	—	—	—	—	—	—	—
Portland cement	65997-15-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Potassium hydroxide	1310-58-3	—	—	—	—	—	2.0	—
Propane	74-98-6	1,000	1,800	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Propargyl alcohol	107-19-7	1.0	2.0	—	—	—	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—	—	—	—
Propionic acid	79-09-4	10	30	—	—	—	—	—
Propoxur (Baygon)	114-26-1	—	0.5	—	—	—	—	—
n-Propyl acetate	109-60-4	200	840	250	1,050	—	—	—
n-Propyl alcohol	71-23-8	200	500	250	625	—	—	X
n-Propyl nitrate	627-13-4	25	105	40	170	—	—	—
Propylene	—	Simple	Asphyxiant	—	—	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	—	—	—
Propylene glycol dinitrate	6423-43-4	0.05	0.3	—	—	—	—	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	—	—	—
Propylene imine	75-55-8	2.0	5.0	—	—	—	—	X
Propylene oxide	75-56-9	20	50	—	—	—	—	—
Propyne (see Methyl acetylene)	—	—	—	—	—	—	—	—
Pyrethrum	8003-34-7	—	5.0	—	—	—	—	—
Pyridine	110-86-1	5.0	15	—	—	—	—	—
Quinone	106-51-4	0.1	0.4	—	—	—	—	—
RDX (see Cyclonite)	—	—	1.5	—	—	—	—	X
Resorcinol	108-46-3	10	45	20	90	—	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—	—	—	—
Insoluble compounds, Metal fumes and dusts	—	—	—	0.1	—	—	—	—
Soluble compounds, salts	—	—	0.001	—	—	—	—	—
Ronnel	299-84-3	—	10	—	—	—	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	—	—	0.1	—	—	—	—	—
Rotenone	83-79-4	—	5.0	—	—	—	—	—
Rouge	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Rubber solvent (naphtha)	8002-05-9	100	400	—	—	—	—	—
Selenium compounds (as Se)	7782-49-2	—	0.2	—	—	—	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	—	—	—	—	—
Sesone (see Crag herbicide)	—	—	—	—	—	—	—	—
Silane (see Silicon tetrahydride)	—	—	—	—	—	—	—	—
Silica, amorphous, precipitated and gel	112926-00-8	—	6.0	—	—	—	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—	—	—	—
Total dust	—	—	6.0	—	—	—	—	—
Respirable fraction	—	—	3.0 ^k	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05 ^k	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 ^k	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1 ^k	—	—	—	—	—

EXPEDITED ADOPTION

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05 ^k	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1 ^k	—	—	—	—	—
Silicates (less than 1% crystalline silica)								
Mica (Respirable dust)	12001-26-2	—	3.0 ^k	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0 ^k	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07705)	—	—	—	—	—	—	—	—
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0 ^k	—	—	—	—	—
Tremolite (see WAC 296-62-07705)	—	—	—	—	—	—	—	—
Silicon	7440-21-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Silicon Carbide	409-21-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Silicon tetrahydride	7803-62-5	5.0	7.0	—	—	—	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	—	0.01	—	—	—	—	—
Soapstone (see Silicates)	—	—	—	—	—	—	—	—
Sodium azide	26628-22-8							
(as HN3)	—	—	—	—	—	0.1	0.3	X
(as NaN3)	—	—	—	—	—	0.1	0.3	X
Sodium bisulfite	7631-90-5	—	5.0	—	—	—	—	—
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	—	—	—	—	—	—	—	X
Sodium fluoroacetate	62-74-8	—	0.05	—	0.15	—	—	—
Sodium hydroxide	1310-73-2	—	—	—	—	—	2.0	—
Sodium metabisulfite	7681-57-4	—	5.0	—	—	—	—	—
Starch	9005-25-8							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Stibine	7803-52-3	0.1	0.5	—	—	—	—	—
Stoddard solvent	8052-41-3	100	525	—	—	—	—	—
Strychnine	57-24-9	—	0.15	—	—	—	—	—
Styrene	100-42-5	50	215	100	425	—	—	—
Subtilisins	9014-01-1	—	—	—	—	0.00006 (60min.) ⁱ	—	—
Sucrose	57-50-1							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	X
Sulfotep (see TEDP)	—	—	—	—	—	—	—	—
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	—	—	—
Sulfur hexafluoride	2551-62-4	1,000	6,000	—	—	—	—	—
Sulfuric acid	7664-93-9	—	1.0	—	—	—	—	—

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	ppm ^a	_mg/m3 ^b	
Sulfur monochloride	10025-67-9	—	—	—	—	1.0	6.0	—
Sulfur pentafluoride	5714-22-1	—	—	—	—	0.01	0.1	—
Sulfur tetrafluoride	7783-60-0	—	—	—	—	0.1	0.4	—
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	—	—	—
Sulprofos	35400-43-2	—	1.0	—	—	—	—	—
Systox (see Demeton)	—	—	—	—	—	—	—	—
2, 4, 5-T	93-76-5	—	10	—	—	—	—	—
Talc (see Silicates)	—	—	—	—	—	—	—	—
Tantalum	7440-25-7	—	5.0	—	—	—	—	—
Metal and oxide dusts								
TEDP (Sulfotep)	3689-24-5	—	0.2	—	—	—	—	X
Tellurium and compounds (as Te)	13494-80-9	—	0.1	—	—	—	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	—	—	—	—	—
Temephos	3383-96-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
TEPP	107-49-3	0.004	0.05	—	—	—	—	X
Terphenyls	26140-60-3	—	—	—	—	0.5	5.0	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	—	—	—	—	X
Tetrachloroethylene (see Perchloroethylene)	—	—	—	—	—	—	—	—
Tetrachloromethane (see Carbon tetrachloride)	—	—	—	—	—	—	—	—
Tetrachloronaphthalene	1335-88-2	—	2.0	—	—	—	—	X
Tetraethyl lead (as Pb)	78-00-2	—	0.075	—	—	—	—	X
Tetrahydrofuan	109-99-9	200	590	250	735	—	—	—
Tetramethyl lead (as Pb)	75-74-1	—	0.075	—	—	—	—	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	—	—	—	—	X
Tetranitromethane	509-14-8	1.0	8.0	—	—	—	—	—
Tetrasodium pyrophosphate	7722-88-5	—	5.0	—	—	—	—	—
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	—	1.5	—	—	—	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	—	0.1	—	—	—	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Thioglycolic acid	68-11-1	1.0	4.0	—	—	—	—	X
Thionyl chloride	7719-09-7	—	—	—	—	1.0	5.0	—
Thiram (see WAC 296-62-07519)	137-26-8	—	5.0	—	—	—	—	—
Tin (as Sn) Inorganic compounds (except oxides)	7440-31-5	—	2.0	—	—	—	—	—
Tin, Organic compounds (as Sn)	7440-31-5	—	0.1	—	—	—	—	X
Tin Oxide (as Sn)	21651-19-4	—	2.0	—	—	—	—	—
Titanium dioxide Total dust	13463-67-7	—	10	—	—	—	—	—
Toulene	108-88-3	100	375	150	560	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	—	—	—
m-Toluidine	108-44-1	2.0	9.0	—	—	—	—	X
o-Toluidine	95-53-4	2.0	9.0	—	—	—	—	X
p-Toluidine	106-49-0	2.0	9.0	—	—	—	—	X
Toxaphene (see Chlorinated camphene)	—	—	—	—	—	—	—	—
Tremolite (see Silicates)	—	—	—	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2	2.5	—	—	—	—	—
Trichloroacetic acid	76-03-9	1.0	7.0	—	—	—	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	—	—	5.0	40	—
1, 1, 1-Trichloroethane (see Methyl chloroform)	—	—	—	—	—	—	—	—
1, 1, 2-Trichloroethane	79-00-5	10	45	—	—	—	—	—
Trichloroethylene	79-01-6	50	270	200	1,080	—	—	—
Trichlorofluoromethane	75-69-4	—	—	—	—	1,000	5,600	—
Trichloromethane (see Chloroform)	—	—	—	—	—	—	—	—
Trichloronaphthalene	1321-65-9	—	5.0	—	—	—	—	X
1, 2, 3-Trichloropropane	96-18-4	10	60	—	—	—	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	—	—	—
Tricyclohexyltin hydroxide (see Cyhexatin)	—	—	—	—	—	—	—	—
Triethylamine	121-44-8	10	40	15	60	—	—	—
Trifluorobromomethane	75-63-8	1,000	6,100	—	—	—	—	—
Trimellitic anhydride	552-30-7	0.005	0.04	—	—	—	—	—
Trimethylamine	75-50-3	10	24	15	36	—	—	—
Trimethyl benzene	25551-13-7	25	125	—	—	—	—	—
Trimethyl phosphite	121-45-9	2.0	10	—	—	—	—	—
2, 4, 6-Trinitrophenol (see Picric acid)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	—	0.5	—	—	—	—	X
Triorthocresyl phosphate	78-30-8	—	0.1	—	—	—	—	X
Triphenyl amine	603-34-9	—	5.0	—	—	—	—	—
Triphenyl phosphate	115-86-6	—	3.0	—	—	—	—	—
Tungsten (as W)	7440-33-7	—	—	—	—	—	—	—
Soluble compounds	—	—	1.0	—	3.0	—	—	—
Insoluble compounds	—	—	5.0	—	10	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	—	—	—	—	—	—	—
Soluble compounds	—	—	0.05	—	—	—	—	—
Insoluble compounds	—	—	0.2	—	0.6	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume	—	—	—	—	—	—	—	—
Vegetable oil mist	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^t	—	—	—	—	—
Vinyl acetate	108-05-1	10	30	20	60	—	—	—
Vinyl benzene (see Styrene)	—	—	—	—	—	—	—	—
Vinyl bromide	593-60-2	5.0	20	—	—	—	—	—

EXPEDITED ADOPTION

Substance	CAS ^h Number	TWA		STEL ^c		CEILING		Skin Designation
		ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	ppm ^a	mg/m ^{3b}	
Vinyl chloride (see WAC 296-62-07329)	75-01-4	—	—	—	—	—	—	—
Vinyl cyanide (see Acrylonitrile)	—	—	—	—	—	—	—	—
Vinyl cyclohexene dioxide	106-87-6	10	60	—	—	—	—	X
Vinyl toluene	25013-15-4	50	240	—	—	—	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	—	—	—	—	—
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	—	—	—
Warfarin	81-81-2	—	0.1	—	—	—	—	—
Welding fumes ^f (total particulate)	—	—	5.0	—	—	—	—	—
Wood dust								
Nonallergenic; All soft woods and hard woods except allergenics	—	—	5.0	—	10	—	—	—
Allergenics; (e.g. cedar, mahogany and teak)	—	—	2.5	—	—	—	—	—
Xylenes (Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	—	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	—	—	—	0.1	X
Xylidine	1300-73-8	2.0	10	—	—	—	—	X
Yttrium	7440-65-5	—	1.0	—	—	—	—	—
Zinc chloride fume	7646-85-7	—	1.0	—	2.0	—	—	—
Zinc chromate (as CrO ₃)	Varies with com- pound	—	0.05	—	—	—	0.1	—
Zinc oxide	1314-13-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zirconium compounds (as Zr)	7440-67-2	—	5.0	—	10	—	—	—

- Notes:
- a Parts of vapor or gas per million parts of contaminated air by volume at 25 degrees C and 760 mm Hg pressure (torr).
 - b Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m³ column and not in the ppm column, then the number in the mg/m³ column is exact. When numerical entries for a substance are in both the ppm and mg/m³ columns, then the number in the ppm column is exact and the number in the mg/m³ column may be rounded off.
 - c Duration is for 15 minutes, unless otherwise noted.
 - d The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
 - e This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.

- f As determined from breathing-zone air samples.
- g Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent_passing_selector
1	97
2	91
3 ^o	74
4	50
5	30
6	17
7	9
8	5
10	1

- h The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS

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number for the metal is given — not CAS numbers for the individual compounds.

- i Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.
- j Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.
- k The concentration of respirable particulate for the application of this limit is determined from the fraction passing a size-selector with the following characteristics.

Aerodynamic diameter (unit density sphere)	Percent passing selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07709 Exposure assessment and monitoring. (1) General monitoring criteria.

(a) Each employer who has a workplace or work operation where exposure monitoring is required under this part must perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure must be made from breathing zone air samples that are representative of the eight-hour TWA and thirty minute short-term exposures of each employee.

(c) Representative eight-hour TWA employee exposures must be determined on the basis of one or more samples representing full-shift exposure for each shift for each employee in each job classification in each work area.

(d) Representative thirty minute short-term employee exposures must be determined on the basis of one or more samples representing thirty minute exposures associated with operations that are most likely to produce exposures above the excursion limit for each shift for each job classification in each work area.

(2) Exposure monitoring requirements for all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act except construction work, as defined in WAC 296-155-012, and except ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this standard, except as provided for in (a)(ii) and (iii) of this subsection, must perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the TWA per-

missible exposure limit and/or excursion limit. The initial monitoring must be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

(ii) Where the employer or his/her representative has monitored after March 31, 1992, for the TWA permissible exposure limit and/or excursion limit, and the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a)(i) of this subsection.

(iii) Where the employer has relied upon objective data that demonstrates that asbestos is not capable of being released in airborne concentrations at or above the TWA permissible exposure limit and/or excursion limit under those work conditions of processing, use, or handling expected to have the greatest potential for releasing asbestos, then no initial monitoring is required.

(b) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a)(i) of this section, samples must be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. Sampling must not be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the TWA permissible exposure limit and/or excursion limit.

(c) Daily monitoring within regulated areas: The employer must conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

(d) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsection (2)(a) and (b) of this section statistically indicates that employee exposures are below the TWA permissible exposure limit and/or excursion limit, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(e) Additional monitoring. Notwithstanding the provisions of subsection (2)(a)(ii) and (c) of this section, the employer must institute the exposure monitoring required under subsection (2)(a)(i) and (ii) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the TWA permissible exposure limit and/or excursion limit, or when the employer has any reason to suspect that a change may result in new or additional exposures above the TWA permissible exposure limit and/or excursion limit.

(3) Exposure assessment monitoring requirements for all construction work as defined in WAC 296-155-012 and for

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all ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial exposure assessment.

(i) Each employer who has a workplace or work operation covered by this standard must ensure that a "competent person" conducts an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace. The assessment must be completed in time to comply with the requirements which are triggered by exposure data or lack of a "negative exposure assessment," and to provide information necessary to assure that all control systems planned are appropriate for that operation and will work properly.

(ii) Basis of initial exposure assessment: Unless a negative exposure assessment has been made according to (b) of this subsection, the initial exposure assessment must, if feasible, be based on monitoring conducted according to (b) of this subsection. The assessment must take into consideration both the monitoring results and all observations, information or calculations which indicate employee exposure to asbestos, including any previous monitoring conducted in the workplace, or of the operations of the employer which indicate the levels of airborne asbestos likely to be encountered on the job. For Class I asbestos work, until the employer conducts exposure monitoring and documents that employees on that job will not be exposed in excess of the PELs, or otherwise makes a negative exposure assessment according to (b) of this subsection, the employer must presume that employees are exposed in excess of the TWA and excursion limit.

(b) Negative exposure assessment: For any one specific asbestos job which will be performed by employees who have been trained in compliance with the standard, the employer may demonstrate that employee exposures will be below the PELs by data which conform to the following criteria:

(i) Objective data demonstrating that the products or material containing asbestos minerals or the activity involving such product or material cannot release airborne fibers in concentrations exceeding the TWA and excursion limit under those work conditions having the greatest potential for releasing asbestos; or

(ii) Where the employer has monitored prior asbestos jobs for the PEL and the excursion limit within 12 months of the current or projected job, the monitoring and analysis were performed in compliance with the asbestos standard in effect; and the data was obtained during work operations conducted under workplace conditions "closely resembling" the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the operations were conducted by employees whose training and experience are no more extensive than that of employees performing the current job, and these data show that under the conditions prevailing and which will prevail in the current workplace there is a high degree of certainty that employee exposures will not exceed the TWA or excursion limit; or

(iii) The results of initial exposure monitoring of the current job made from breathing zone samples that are represen-

tative of the 8-hour TWA and 30-minute short-term exposures of each employee covering operations which are most likely during the performance of the entire asbestos job to result in exposures over the PELs.

(c) Periodic monitoring.

(i) Class I and Class II operations. The employer must conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area who is performing Class I or II work, unless the employer according to (b) of this subsection, has made a negative exposure assessment for the entire operation.

(ii) All operations under the standard other than Class I and II operations. The employer must conduct periodic monitoring of all work where exposures are expected to exceed a PEL, at intervals sufficient to document the validity of the exposure prediction.

(iii) Exception. When all employees required to be monitored daily are equipped with supplied-air respirators operated in the pressure demand mode, the employer may dispense with the daily monitoring required by subsection (2)(c) of this section. However, employees performing Class I work using a control method which is not listed in WAC 296-62-07712 or using a modification of a listed control method, must continue to be monitored daily even if they are equipped with supplied-air respirators.

(d) Termination of monitoring. If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by statistically reliable measurements, are below the permissible exposure limit and excursion limit the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(e) Monitoring outside negative-pressure enclosures: The employer must conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

(f) Additional monitoring. Notwithstanding the provisions of (b), (c), and (d) of this subsection, the employer must institute the exposure monitoring required under (c) of this subsection whenever there has been a change in process, control equipment, personnel or work practices that may result in new or additional exposures above the permissible exposure limit and/or excursion limit or when the employer has any reason to suspect that a change may result in new or additional exposures above the permissible exposure limit and/or excursion limit. Such additional monitoring is required regardless of whether a "negative exposure assessment" was previously produced for a specific job.

(g) Preabatement monitoring. Prior to the start of asbestos work, representative area air monitoring must be conducted for comparison to clearance monitoring as required by ~~((WAC 296-62-07709 (3)(g)))~~ subsection (3)(h) of this section. Preabatement air monitoring is not required for outdoor work ~~((see WAC 296-62-07712 (5)(e)))~~.

(h) Clearance monitoring. Representative area air monitoring must be taken at the completion of the asbestos work. Air sample results must be obtained before removal or reoccupancy of the regulated area. Clearance air monitoring is not required for outdoor asbestos work. The employer must

demonstrate by monitoring that the airborne concentration is below:

- The permissible exposure limit; or
- At or below the airborne fiber level existing prior to the start of the asbestos work, whichever level is lower.

(4) Method of monitoring.

(a) All samples taken to satisfy the employee exposure monitoring requirements of this section must be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring must be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section must be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer must ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and

(ii) The comparison indicates that ninety percent of the samples collected in the range 0.5 to 2.0 times the permissible limit have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results at a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

(e) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

(5) Employee notification of monitoring results.

(a) The employer must, as soon as possible but no later than within fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection must contain the corrective action being taken by the employer to reduce employee exposure to or below the TWA and/or excursion exposure limits, wherever monitoring results indicated that the TWA and/or excursion exposure limits had been exceeded.

(6) Observation of monitoring.

(a) The employer must provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer must be provided with and be required to use such clothing

and equipment and shall comply with all other applicable safety and health procedures.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07713 Methods of compliance for asbestos activities in general industry. (1) Engineering controls and work practices.

(a) The employer must institute engineering controls and work practices to reduce and maintain employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

(i) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(ii) Vacuum cleaners equipped with HEPA filters;

(iii) Enclosure or isolation of processes producing asbestos dust;

(iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup;

(v) Prompt disposal of wastes contaminated with asbestos in leak-tight containers; or

(vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer must use them to reduce employee exposure to the lowest levels achievable by these controls and must supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer must use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) or 2.5 fibers per cubic centimeter of air for 30 minutes (short-term exposure), and must supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust HEPA ventilation and dust collection systems must be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

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(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos so as to expose employees to levels in excess of the exposure limits prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, must be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls must not be used for work related to asbestos.

(f) Wet methods. Asbestos must be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

(g) Particular products and operations. When asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos is removed from bags, cartons, or other containers in which they are shipped, it must be either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos.

(h) Compressed air. Compressed air must not be used to remove asbestos or materials containing asbestos unless the compressed air is used in conjunction with an enclosed ventilation system designed to effectively capture the dust cloud created by the compressed air.

(2) ~~((Clean-up.~~

~~(a) After completion of asbestos work, all surfaces in and around the work area must be cleared of asbestos debris.~~

~~(b) Encapsulant must be applied to all areas where asbestos has been removed to ensure binding of any remaining fibers.~~

~~(c) The employer must demonstrate by monitoring that the airborne fiber concentration is below:~~

~~• The permissible exposure limits; or~~

~~• At or below the airborne fiber level existing prior to the start of the asbestos work; whichever level is lower.~~

(3)) Compliance program.

(a) Where either the time weighted average and/or excursion limit is exceeded, the employer must establish and implement a written program to reduce employee exposure to or below the permissible exposure limits by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs must be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs must be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer must not use employee rotation as a means of compliance with the permissible exposure limits specified in WAC 296-62-07705.

~~((4))~~ (3) Specific compliance methods for brake and clutch repair:

(a) Engineering controls and work practices for brake and clutch repair and service. During automotive brake and clutch inspection, disassembly, repair and assembly operations, the employer must institute engineering controls and work practices to reduce employee exposure to materials

containing asbestos using a negative pressure enclosure/HEPA vacuum system method or low pressure/ wet cleaning method which meets the detailed requirements ~~((set out))~~ in WAC 296-62-07745, Appendix F ~~((to this section))~~. The employer may also comply using an equivalent method which follows written procedures which the employer demonstrates can achieve results equivalent to Method ~~((A in))~~ (1) Negative pressure enclosure/HEPA vacuum system method in WAC 296-62-07745, Appendix F ~~((to this section))~~. For facilities in which no more than 5 pair of brakes or 5 clutches are inspected, disassembled, repaired, or assembled per week, ~~((the method set forth in))~~ (4) Wet method in WAC 296-62-07745, Appendix F ~~((to this section))~~ may be used instead of Method (1).

(b) The employer may also comply by using an equivalent method which follows written procedures, which the employer demonstrates can achieve equivalent exposure reductions as do the two "preferred methods." Such demonstration must include monitoring data conducted under work-place conditions closely resembling the process, type of asbestos containing materials, control method, work practices and environmental conditions which the equivalent method will be used, or objective data, which document that under all reasonably foreseeable conditions of brake and clutch repair applications, the method results in exposure which are equivalent to the methods ~~((set out))~~ in WAC 296-62-07745, Appendix F ~~((to this section))~~.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07722 Employee information and training. (1) Certification.

(a) Only certified asbestos workers may work on an asbestos project as required in WAC 296-65-010 and 296-65-030.

(b) Only certified asbestos supervisors may supervise asbestos abatement projects as required in WAC 296-65-012 and 296-65-030.

(c) In cases where certification requirements of chapter 296-65 WAC do not apply, all employees must be trained according to the provisions of this section regardless of their exposure levels.

(d) Certification is not required for asbestos work on materials containing less than one percent asbestos.

(2) Training must be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(3) Asbestos projects.

(a) Class I ~~((and Class II))~~ work must be considered an asbestos project. Only certified asbestos workers may do this work.

(b) Only certified workers may conduct Class II asbestos work that is considered an asbestos project.

(i) The following Class II asbestos work must be considered asbestos projects:

(A) All Class II asbestos work where critical barriers, equivalent isolation methods, or negative pressure enclosures are required; or

(B) All Class II asbestos work where asbestos containing materials do not stay intact (including removal of vinyl asbestos floor (VAT) or roofing materials by mechanical methods such as chipping, grinding, or sanding).

(ii) The following Class II asbestos work is not considered an asbestos project and is excluded from asbestos worker certification:

(A) All Class II asbestos work involving intact asbestos containing materials (for example, intact roofing materials, bituminous or asphalt pipeline coatings, and intact flooring/decking materials);

(B) All Class II asbestos work of less than one square foot of asbestos containing materials; or

(C) All Class II asbestos work involving asbestos-cement water pipe when the work is done in accordance with training approved by the department through the asbestos certification program (see WAC 296-65-015(4)).

(iii) Asbestos work involving the removal of one square foot or more of intact roofing materials by mechanical sawing or heavy equipment must meet the following requirements:

(A) Only certified asbestos workers may conduct mechanical sawing of intact roofing material;

(B) Noncertified asbestos workers may handle roofing dust, material and debris;

(C) Operators of heavy equipment (such as track hoes with clam shells and excavators) do not need to be certified asbestos workers in the removal or demolition of intact roofing materials.

(c) Only certified asbestos workers may conduct all Class III and Class IV asbestos work that is considered an asbestos project.

(i) The following asbestos work is considered an asbestos project:

(A) All Class III asbestos work where one square foot or more of asbestos containing materials that do not stay intact;

(B) All Class IV asbestos work where one square foot or more of asbestos containing materials that do not stay intact;

or
(C) All Class III and Class IV asbestos work with pipe insulation.

(ii) Except for a project involving pipe insulation work, any project involving only Class III or Class IV asbestos work with less than one square foot of asbestos containing materials is not considered an asbestos project.

(4) Training requirements for asbestos work that is not considered an asbestos project or is excluded from asbestos worker certification.

(a) Class II asbestos work.

(i) Employers must provide eight-hours of training to employees who perform asbestos work on one generic category of asbestos containing materials (ACM). When performing asbestos work in more than one category of asbestos containing materials, additional training must be used to supplement the first eight hour training course.

(ii) The training course must include:

- Hands-on training that applies to the category of asbestos containing materials,
- Specific work practices and engineering controls related to the category of asbestos containing mate-

rials present as specified in WAC 296-62-07712, and

- All the minimum elements of subsection (5) of this section.

(b) Class III asbestos work (maintenance and custodial work in buildings containing asbestos containing materials).

(i) Employers must provide training with curriculum and training methods equivalent to the 16-hour operations and maintenance course developed by the EPA. (See 40 CFR 763.92(a)(2).) For those employees whose only affected work is Class II work as described in subsection (4)(a)(i) of this section, employers must meet this 16-hour training requirement or provide training that meets the eight hours Class II requirements in subsection (4)(a) of this section.

(ii) Sixteen hours of training must include:

- Hands-on training in the use of respiratory protection and work practices, and
- All the minimum elements of subsection (5) of this section.

(c) Class IV asbestos work (maintenance and custodial work in buildings containing asbestos-containing materials).

(i) Employers must provide at least two hours of training with curriculum and training methods equivalent to the awareness training course developed by the EPA.

(ii) Training must include:

- Available information concerning the location of PACM, ACM, asbestos-containing flooring materials or flooring materials where the absence of asbestos has not been certified,
- Instruction on how to recognize damaged, deteriorated, and delimitation of asbestos containing building materials, and
- All of the minimum elements of subsection (5) of this section.

(5) The training program must be conducted in a manner which the employee is able to understand. The employer must ensure that each employee is informed of the following:

(a) The health effects associated with asbestos exposure;

(b) The relationship between smoking and exposure to asbestos producing lung cancer;

(c) Methods of recognizing asbestos and quantity, location, manner of use, release (including the requirements of WAC 296-62-07721 (1)(c) and (2)(b) to presume certain building materials contain asbestos), and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(d) The engineering controls and work practices associated with the employee's job assignment;

(e) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures (including where Class III and IV work is performed, the contents "Managing Asbestos In Place" (EPA 20T-2003, July 1990) or its equivalent in content), personal protective equipment to be used, waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(f) The purpose, proper use, and limitations of protective clothing;

(g) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(h) The content of this standard, including appendices;

(i) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement;

(j) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels; and

(k) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E (see WAC 296-62-07117, 296-62-07172, and 296-62-07186 through 296-62-07190).

(6) The employer must also provide, at no cost to employees who perform housekeeping operations in a facility which contains ACM or PACM, an asbestos awareness training course to all employees who are or will work in areas where ACM and/or PACM is present who work in buildings containing asbestos-containing materials, which must, at a minimum, contain the following elements:

- Health effects of asbestos,
- Locations of ACM and PACM in the building/facility,
- Recognition of ACM and PACM damage and deterioration,
- Requirements in this standard relating to housekeeping, and
- Proper response to fiber release episodes.

Each such employee must be so trained at least once a year.

(7) Access to information and training materials.

(a) The employer must make a copy of this standard and its appendices readily available without cost to all affected employees.

(b) The employer must provide, upon request, all materials relating to the employee information and training program to the director.

(c) The employer must inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer must distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I, WAC 296-62-07751.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07727 Recordkeeping. (1) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos as prescribed in WAC 296-62-07709.

(b) This record shall include at least the following information:

- (i) Name of employer;
- (ii) Name of person conducting monitoring;
- (iii) The date of measurement;

(iv) Address of operation or activity;

(v) Description of the operation or activity involving exposure to asbestos that is being monitored;

(vi) Personal or area sample;

(vii) Name, Social Security number, and exposure level of the employees whose exposures are represented;

(viii) Type of protective devices worn, if any;

(ix) Pump calibration date and flow rate;

(x) Total volume of air sampled;

(xi) Name and address of analytical laboratory;

(xii) Number, duration, and results (f/cc) of samples taken;

(xiii) Date of analysis; and

(xiv) Sampling and analytical methods used and evidence of their accuracy.

(c) The employer shall maintain this record for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(2) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing asbestos is exempted from other requirements of this section under WAC 296-62-07709 ~~((2)(e))~~ (2)(a)(iii) and (3)(b)(i), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) The record shall include at least the following:

(i) The product qualifying for exemption;

(ii) The source of the objective data;

(iii) The testing protocol, results of testing, and/or analysis of the material for the release of asbestos;

(iv) A description of the operation exempted and how the data support the exemption; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

Note: The employer may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07725 (1)(a), in accordance with WAC 296-62-052.

(b) The record shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physician's written opinions;

(iii) Any employee medical complaints related to exposure to asbestos;

(iv) A copy of the information provided to the physician as required by WAC 296-62-07725(6); and

(v) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physicians recommendations.

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(4) Training. The employer shall maintain all employee training records for one year beyond the last date of employment of that employee.

(5) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying.

(b) The employer, upon request, shall make any exposure records required by subsection (1) of this section available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (2) of this section available for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(6) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal of records and, upon request, transmit them to the director.

(7) Data to rebut PACM. Where the building owner and employer have relied on data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption.

(8) Records of required notifications. Where the building owner has communicated and received information concerning the identification, location and quantity of ACM and PACM, written records of such notifications and their content shall be maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake and clutch inspection, disassembly, repair and assembly—Mandatory. This mandatory appendix specifies engineering controls and work practices that must be implemented by the employer during automotive brake and clutch inspection, disassembly, repair, and assembly operations. Proper use of these engineering controls and work practices will reduce employees' asbestos exposure below the permissible exposure level during clutch and brake inspection, disassembly, repair, and assembly operations. The employer shall institute engineering controls and work practices using either the method set forth in (1) or (2) of this appendix, or any other

method which the employer can demonstrate to be equivalent in terms of reducing employee exposure to asbestos as defined and which meets the requirements described in (3) of this appendix, for those facilities in which no more than 5 pairs of brakes or 5 clutches are inspected, disassembled, reassembled and/or repaired per week, the method set forth in (4) of this appendix may be used:

(1) Negative pressure enclosure/HEPA vacuum system method.

(a) The brake and clutch inspection, disassembly, repair, and assembly operations shall be enclosed to cover and contain the clutch or brake assembly and to prevent the release of asbestos fibers into the worker's breathing zone.

(b) The enclosure shall be sealed tightly and thoroughly inspected for leaks before work begins on brake and clutch inspection, disassembly, repair and assembly.

(c) The enclosure shall be such that the worker can clearly see the operation and shall provide impermeable sleeves through which the worker can handle the brake and clutch inspection, disassembly, repair and assembly. The integrity of the sleeves and ports shall be examined before work begins.

(d) A HEPA-filtered vacuum shall be employed to maintain the enclosure under negative pressure throughout the operation. Compressed-air may be used to remove asbestos fibers or particles from the enclosure.

(e) The HEPA vacuum shall be used first to loosen the asbestos containing residue from the brake and clutch parts and then to evacuate the loosened asbestos containing material from the enclosure and capture the material in the vacuum filter.

(f) The vacuum's filter, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and disposed of according to WAC ~~((296-62-07713 (1)(a) and (2)(f)))~~ 296-62-07723.

(g) Any spills or releases of asbestos containing waste material from inside of the enclosure or vacuum hose or vacuum filter shall be immediately cleaned up and disposed of according to WAC ~~((296-62-07713 (1)(a) and (2)(f)))~~ 296-62-07723.

(2) Low pressure/wet cleaning method.

(a) A catch basin shall be placed under the brake assembly, positioned to avoid splashes and spills.

(b) The reservoir shall contain water containing an organic solvent or wetting agent. The flow of liquid shall be controlled such that the brake assembly is gently flooded to prevent the asbestos-containing brake dust from becoming airborne.

(c) The aqueous solution shall be allowed to flow between the brake drum and brake support before the drum is removed.

(d) After removing the brake drum, the wheel hub and back of the brake assembly shall be thoroughly wetted to suppress dust.

(e) The brake support plate, brake shoes and brake components used to attach the brake shoes shall be thoroughly washed before removing the old shoes.

(f) In systems using filters, the filters, when full, shall be first wetted with a fine mist of water, then removed and

placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(g) Any spills of asbestos-containing aqueous solution or any asbestos-containing waste material shall be cleaned up immediately and disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(h) The use of dry brushing during low pressure/wet cleaning operations is prohibited.

(3) Equivalent methods. An equivalent method is one which has sufficient written detail so that it can be reproduced and has been demonstrated that the exposures resulting from the equivalent method are equal to or less than the exposure which would result from the use of the method described in subsection (1) of this appendix. For purposes of making this comparison, the employer shall assume that exposures resulting from the use of the method described in subsection (1) of this appendix shall not exceed 0.016 f/cc, as measured by the WISHA reference method and as averaged over at least 18 personal samples.

(4) Wet method.

(a) A spray bottle, hose nozzle, or other implement capable of delivering a fine mist of water or amended water or other delivery system capable of delivering water at low pressure, shall be used to first thoroughly wet the brake and clutch parts. Brake and clutch components shall then be wiped clean with a cloth.

(b) The cloth shall be placed in an impermeable container, labeled according to WAC 296-62-07721 (6)((b)) and then disposed of according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723, or the cloth shall be laundered in a way to prevent the release of asbestos fibers in excess of 0.1 fiber per cubic centimeter of air.

(c) Any spills of solvent or any asbestos containing waste material shall be cleaned up immediately according to WAC ((296-62-07713 (1)(a) and (2)(f))) 296-62-07723.

(d) The use of dry brushing during the wet method operations is prohibited.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-65-003 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

"Approved" means approved by the department.

"Asbestos" includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

"Asbestos fiber" means asbestos fiber as defined in WAC 296-62-07703 as "fiber."

"Asbestos abatement project" means an asbestos project involving three square feet or three linear feet, or more, of asbestos containing material.

"Asbestos project" includes the construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation,

salvage, or disposal of material or outdoor activity releasing or likely to release asbestos fibers into the air.

"Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

"Certificate" means a certificate issued by the department that shall include the name of person awarded the certificate, certificate number, the discipline for which certification was conferred, training and examination dates, the course provider's name and address, and the course provider's telephone number, expiration date, and a statement that the person receiving the certificate has completed the training for asbestos accreditation under TSCA Title II.

"Certified asbestos supervisor" means an individual who is certified by the department under WAC 296-65-012.

"Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.

"Department" means the department of labor and industries.

"Demolition" means the activity of razing a structure which includes the wrecking, removal, or dismantling of any load-supporting structural member of any facility including any related handling operations.

"Director" means the director of the department of labor and industries or the director's designee.

"Emergency project" means a project that was not planned but results from a sudden, unexpected event and does not include((s)) operations ((which)) that are necessitated by nonroutine failures of equipment or systems.

"Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"EPA MAP" means the environmental protection agency model accreditation plan for asbestos requirements in 40 CFR Part 763.

"HEPA filtration" means high-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

"Intact" means that the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants.

"Owner" means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes.

"Person" means any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

"Revocation" means a permanent withdrawal of a certification issued by the department.

"Suspension" means a temporary withdrawal of a certification issued by the department. No suspension shall be less than six months or longer than one year.

WSR 00-01-182

EXPEDITED ADOPTION

WASHINGTON STATE LIBRARY

[Filed December 22, 1999, 8:43 a.m.]

Title of Rule: Title 300 WAC, Board for certification and Title 304 WAC, Library Commission.

Purpose: Expedited adoption.

Statutory Authority for Adoption: RCW 27.04.030(1).

Summary: Updating rules, correcting errors.

Reasons Supporting Proposal: Clarification, accuracy.

Name of Agency Personnel Responsible for Drafting and Enforcement: Nancy Zussy, State Librarian, State Library, P.O. Box 42460, Olympia, 753-2915; and Implementation: Washington State Library Commission, P.O. Box 42460, Olympia, 753-2915.

Name of Proponent: Washington State Library Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 300-12 WAC, Certification of librarians, board for, eliminate reference to "board for." Board no longer exists, but function continues.

WAC 304-12-030 and 304-12-035, Washington council on continuing education, council on continuing education no longer exists.

WAC 304-12-040 Washington state advisory council on libraries, Washington state advisory council on libraries no longer exists.

New language, Library council of Washington—Appointments, terms, expenses; Library council of Washington—Mission, roles, the Library Council of Washington has been created.

WAC 304-12-050 Privacy of library circulation records, see new language provided as part of chapter 304-20 WAC.

WAC 304-12-070 Washington state library gift policy, gift policy is now internal agency policy.

WAC 304-12-125 General statement of criteria, 304-12-140 Other services grant program—Principles, 304-12-145 Other services grant programs—Rules, 304-12-275 Construction grant program—Criteria, 304-12-290 Construction grant program—Rules, 304-12-360 Forms—Application—Public library construction grant, 304-12-370 Forms—Contract and 304-12-380 Rules and regulations for aid to library districts—Principle, programs no longer exist.

Chapter 304-20 WAC, State library public records—General policy, add language at beginning of chapter 304-20 WAC.

WAC 304-20-010 Public records available, change title to "Availability of records;" amend language.

WAC 304-20-020 Definitions, duplicates RCW and WAC elsewhere.

WAC 304-20-030 Public records officer, duplicates RCW and WAC elsewhere.

WAC 304-20-040 Requests for public records, has been incorporated into new "Availability of records" section.

WAC 304-20-050 Copying, change title to "Fees;" amend language.

WAC 304-20-060 Exemptions, add new language as (1); eliminate language as indicated.

New section, response to requests for public records, add language provided.

WAC 304-20-070 Review of denials of public records requests, amend language.

WAC 304-20-080 Records index, no change.

WAC 304-20-090 Request for records by mail—Address, information has been incorporated into "Availability of records."

WAC 304-20-100 Adoption of form, information has been incorporated into "Availability of records."

WAC 304-20-990 Request for public records, information has been incorporated into "Availability of records."

Proposal Changes the Following Existing Rules: Same as above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Nancy Zussy, State Librarian, Washington State Library, P.O. Box 42460, Olympia, WA 98504-2460, AND RECEIVED BY February 22, 2000.

December 21, 1999

Nancy Zussy
State Librarian

Title 300 WAC

CERTIFICATION OF LIBRARIANS(~~(, BOARD FOR)~~)

AMENDATORY SECTION (Amending WSR 94-11-023, filed 5/6/94, effective 6/6/94)

WAC 304-12-030 Library council of Washington (~~(council on continuing education)~~) created—Appointments—Terms—Expenses. (~~(A Washington council on continuing education is hereby created which shall consist of fifteen persons appointed for three-year terms. Seven persons shall be appointed by the Washington state library commission. The appointments shall reflect representation from a variety of types of library personnel, related persons, including public library trustees, librarians, and at least one nonlibrarian. Nine organizations shall also be represented, each to~~)

~~designate one person assigned responsibility. Those organizations shall be as follows: Washington state library, University of Washington graduate school of library and information science, Washington library association, Washington library media association, community college library and media specialists, Pacific Northwest chapter of the special library association, council of Spokane area libraries, Pacific Northwest health sciences library service, and the Washington chapter of the association of college and research libraries. Initial terms for organizational representatives will be three years and then two years thereafter. Members may be reappointed; however, no member shall serve more than two terms consecutively. Vacancies shall be filled by appointment for the unexpired term.))~~ The library council of Washington shall consist of thirteen members appointed by the commission. Members shall be appointed to broadly represent the library community as specifically outlined by the commission. A term shall be defined as three years, to begin on January 1 of each year. No person shall be appointed for more than two consecutive terms. An individual completing an unexpired term will be considered to have served a full term. Council members shall serve without compensation, but will be reimbursed for subsistence, lodging, and travel expenses for council meetings and approved business of the council, in accordance with the provisions of the Washington state travel regulations.

NEW SECTION

WAC 304-12-047 Library council of Washington—Mission—Roles. The mission of the library council of Washington is to promote access to library service and information resources for all people in Washington state. To meet this commitment, the council's membership represents the broadest possible range of library community interests. The roles of the council shall include to:

- (1) Serve as a catalyst for developing and implementing state-wide library programs that will improve service at all Washington libraries;
- (2) Provide a forum for the library community to discuss issues of concern, with individual members keeping their constituents abreast of the council's progress and regularly requesting their input;
- (3) Advise the Washington state library commission and state library staff on state-wide areas of need in library service;
- (4) Encourage and support multitype cooperation throughout the state;
- (5) Assist in the development, implementation and evaluation of state-wide library development plans and long-range library services and technology act (LSTA) plans;
- (6) Advise the Washington state library commission on the use of federal funds;
- (7) Pursue opportunities for collaboration with other agencies and community partners that share similar interests with libraries.

AMENDATORY SECTION (Amending Order 84-1, filed 3/14/84)

WAC 304-12-125 General statement of criteria. (1)

In a free and open society the mission of libraries is to be aware of individuals' need for knowledge and personal growth and to respond to those needs by providing access to the wisdom, experience and imagination of mankind.

(2) The state agency's criteria for determining the adequacy of library service to the public are:

(a) That ninety percent of the requests by library users for specific titles is available through their library in a manner that is satisfactory to the users.

(b) That ninety percent of the requests by library users for works by a particular author or creator is available through their library in a manner that is satisfactory to the users.

(c) That ninety percent of the requests by library users for materials on a specific subject is available through their library in a manner that is satisfactory to the users.

(d) That ninety percent of the requests by library users for information is answered through their library in a manner that is satisfactory to the users.

(e) That ninety percent of the people in a library's service area is aware of the kinds of services provided by their library.

(f) That the percentage of use by each demographic group as defined in the Library Services and Construction Act regulations is the same, +/- fifteen percent, based on the highest percentage of use.

The determination of adequacy is made by comparing these criteria with annual reports which by law must be submitted to the state agency by each public library.

~~(In allocating library services and construction funds, special consideration will be given to library programs, research and projects which:~~

~~(i) Serve disadvantaged persons residing in urban or rural areas with high concentrations of low income families and to areas with high concentrations of persons with limited English speaking ability;*~~

~~(ii) Serve persons residing in sparsely settled areas of the state which are distant from adequate public library facilities;~~

~~(iii) Serve physically handicapped persons (including the blind or other visually handicapped);~~

~~(iv) Serve inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, residential schools for handicapped persons, and other general or special institutions or hospitals operated or substantially supported by the state;~~

~~(v) Serve persons residing in areas of the state having no local public library service;~~

~~(vi) Extend the range and improve the qualities of career development opportunities for people of all ages without regard to educational level;~~

~~(vii) Lead to the improvement and efficient management of library resources, both human and material, and which provide to all people maximum accessibility to those resources;~~

~~(viii) Strengthen metropolitan public libraries which serve as national or regional resource centers.~~

Footnote:

~~*In accord with requirements of the Library Services and Construction Amendments of 1970 (Public Law 91-600) and the Code of Federal Regulations (45 CFR Part 130) priority will be given to (i) above, i.e. programs or projects which serve urban and rural areas with high concentrations of low income families and to programs and projects which serve areas with high concentrations of persons with limited English speaking ability (as defined by PL 93-380, Education Amendments of 1974).~~

~~These areas are defined as those areas with low income families or with concentrations of non-English speaking persons as reported in U.S. Bureau of Census 1970 PC (1) C Series: General Social and Economic Characteristics. Low income families are defined as those with annual incomes as designated by federal agencies. This information will be updated through publications of the Washington state office of economic opportunity.~~

~~Programs and priorities will change as needs in the state change or as revised federal regulations and/or new federal legislation may require.~~

~~Where applicable, an evaluation component will be a part of each project.~~

~~Where applicable, each grant request should contribute toward the achievement of the existing Washington state plan for library development, now called the Proposed Regional Library Plan for Washington by Charles Bowerman, 1950, or any plan which supersedes this existing plan.~~

~~Programs may also be developed across state lines when such inclusion meets the standards set forth and will contribute to the basic objectives of library development in Washington state. (Interstate compact legislation facilitates such programs.)~~

WAC 304-12-360

Forms—Application—Public library construction grant.

WAC 304-12-370

Forms—Contract.

WAC 304-12-380

Rules and regulations for aid to library districts—Principle.

Chapter 304-20 WAC

STATE LIBRARY PUBLIC RECORDS—GENERAL POLICY

NEW SECTION

WAC 304-20-005 State library public records—General policy. With the exception of those public records exempt from public inspection and copying in the Revised Code of Washington, the state library recognizes its stewardship of public records and shall endeavor to comply with requests for public records in a timely and good-faith manner.

AMENDATORY SECTION (Amending Order I-76, filed 4/22/76)

WAC 304-20-010 ((Public records available.)) Availability of records. ((All public records of the Washington state library, as defined in WAC 304-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 304-20-060.)) (1) Requests for state library public records resident in the Pritchard Building or any state library branch state-wide shall be directed to the Office of the State Librarian, Olympia, Washington, 98504, for initial action. The state librarian, or public records officer if otherwise designated, shall send an initial response to the requestor within the time frame required in chapter 42.17 RCW which:

(a) Acknowledges receipt of the request, including the date and time of day it was received; and

(b) Provides the requestor with a target date for complying with the request.

(2) Requests shall be submitted in writing—through letter, telefacsimile, or electronic mail. Requests shall include at least the following information:

(a) The date and time of day on which the request was made;

(b) The name of the requestor and the address to which responses to the request are to be directed;

(c) As detailed a description of desired records as possible;

(d) Any limitations on desired formats to be searched; and

(e) To the extent possible, a reference to the current state library public records index.

Unless the request is received in such a manner that automatically so indicates, state library staff shall affix to the request a date and time of receipt as soon as the request is received by the state library.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 304-12-035 Washington council on continuing education—Duties.
- WAC 304-12-040 Washington state advisory council on libraries created—Appointments—Terms—Expenses.
- WAC 304-12-050 Privacy of library circulation records policy.
- WAC 304-12-070 Washington state library gift policy.
- WAC 304-12-140 Other services grant programs—Principles.
- WAC 304-12-145 Other services grant programs—Rules.
- WAC 304-12-275 Construction grant program—Criteria.
- WAC 304-12-290 Construction grant program—Rules.

EXPEDITED ADOPTION

The state librarian or designated public records officer may inquire of the requestor as to the purpose of the request only to the extent to which such information will elucidate the request and facilitate a timely and complete response. Except as permitted by chapter 42.17 RCW, the requestor shall not be compelled to disclose that information, nor shall failing to disclose that information in any way adversely affect the response to the inquiry.

AMENDATORY SECTION (Amending Order I-76, filed 4/22/76)

~~WAC 304-20-050 ((Copying)) Fees. ((No fee shall be charged for the inspection of public records. The agency shall charge a fee equal to the amount necessary to reimburse the agency for its actual costs incident to such copying.)) The state library shall charge no fee for inspection of public records. Depending upon the extent of an individual request, the library may charge a fee equal to the amount necessary to reimburse the agency for its actual costs incident to copying public records, not to exceed limits imposed by the legislature.~~

AMENDATORY SECTION (Amending Order 83-1, filed 3/23/83)

WAC 304-20-060 Exemptions. (1) Privacy of inquiry is central to freedom and the success of a democratic society. Any state library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user, is exempt from public disclosure, in accordance with RCW 42.17.310. The state library will not disclose these records, outside the requirements of RCW 42.17.310 and absent judicial action to compel such disclosure.

(2) The library reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 304-20-040 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

~~((2))~~ (3) In addition, pursuant to section 26, chapter 1, Laws of 1973, the library reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

~~((3))~~ (4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

~~((4) The library will regard the disclosure of any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user, as an invasion of privacy.))~~

NEW SECTION

WAC 304-20-065 Response to requests for public records. The state library's response to a request to inspect and/or copy public records shall contain at least the following elements:

- (1) A restatement of the nature of the request;
- (2) The date of the response;
- (3) The extent to which the state library has been able to comply with the request;
- (4) Reason(s) for denial of any portion of the request;
- (5) The location at which the records may be inspected and copied; and
- (6) The procedure for appealing denial of any portion of the request.

AMENDATORY SECTION (Amending Order I-76, filed 4/22/76)

~~WAC 304-20-070 Review of denial((s)) of ((public records)) request((s)). ((+)) Any person who objects to ((the)) a denial of a request for ((a)) public records may ((petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.~~

~~(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the librarian. The librarian shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the state library commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.~~

~~(3) Administrative remedies shall not be considered exhausted until the library has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first)) do so in writing, petitioning a prompt review of that decision. The state librarian shall immediately consider such a request for review and either reverse the denial or call a special meeting of the state library commission to review the denial and make a final decision. If the commission is to review the denial, the librarian will respond with a date certain for that review within five business days.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 304-20-020	Definitions.
WAC 304-20-030	Public records officer.
WAC 304-20-040	Requests for public records.
WAC 304-20-090	Request for records by mail—Address.

WAC 304-20-100 Adoption of form.
 WAC 304-20-990 Appendix A—Request for public records.

WSR 00-01-192
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 22, 1999, 10:22 a.m.]

Title of Rule: WAC 296-23A-0200, 296-23A-0210, 296-23A-0220, and 296-23A-0240 which deal with inpatient and outpatient hospital reimbursement.

Purpose: To delete portions of WAC 296-23A-0200, 296-23A-0210, 296-23A-0220, and 296-23A-0240 which are duplicative of WAC 296-23A-0230 which deals with reimbursements to hospitals located outside of Washington state.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, and 51.36.080.

Statute Being Implemented: RCW 51.04.030.

Summary: Deletion of language relating to out-of-state hospitals from WAC 296-23A-0200, 296-23A-0210, 296-23A-0220, and 296-23A-0240 to provide clarity for providers. It also enables the department to proceed with other rule changes for out-of-state providers, which will be filed via the regular rule-making process.

Reasons Supporting Proposal: Because these changes clarify rule language without changing the intent of WAC 296-23A-0230, this action has no impact on stakeholders.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Evonne Peryea, Tumwater, Washington, (360) 902-6828.

Name of Proponent: [Department of Labor and Industries], governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of Rule: These rules explain how the Washington workers' compensation program reimburses hospital inpatient and outpatient charges.

Purpose of Revision: The purpose of the change is to clarify language of several WACs by removing duplicative wording to prevent confusion and to have all language related to out-of-state hospital reimbursement in only one section (WAC 296-23A-0230).

Anticipated Effects: Because the proposal only clarifies existing rules, there is no impact on stakeholders.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY February 23, 2000.

December 22, 1999

Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0200 How does the department pay for hospital inpatient services? The department will pay for hospital inpatient services according to the following table:

<i>Hospital Type or Location</i>	<i>Do Diagnosis Related Group (DRG) payment methods apply?</i>	<i>Do per diem payment methods apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
Children's Hospitals	No	No	Yes, paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement.	Exempt, paid per department agreement.	Exempt, paid per department agreement.
Health Maintenance Organizations	No	No	Yes, paid 100% of allowed charges
Military	No	No	Yes, paid 100% of allowed charges
Veterans Administration	No	No	Yes, paid 100% of allowed charges
State psychiatric facility	No	No	Yes, paid 100% of allowed charges

EXPEDITED ADOPTION

EXPEDITED ADOPTION

<i>Hospital Type or Location</i>	<i>Do Diagnosis Related Group (DRG) payment methods apply?</i>	<i>Do per diem payment methods apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
((Hospitals not in Oregon, Idaho or Washington	No	No	Yes, paid 97% of allowed charges
Oregon and Idaho	No	No	Yes, paid the Washington statewide average POAC factor))
Washington rural (Peer Group A)	No	Yes, statewide per diem rates apply for five DRG categories: Chemical dependency, psychiatric, rehabilitation, medical, and surgical DRGs	No
All other Washington hospitals	Yes	Yes, state-wide average per diem rates apply for designated categories: Chemical dependency, psychiatric, rehabilitation, low volume medical, and low volume surgical DRGs	Yes, applies to low cost outlier payments and high cost outlier payments above the high cost outlier threshold

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0210 How do self-insurers pay for hospital inpatient services? Self-insurers will pay for hospital inpatient services using percent of allowed charges (POAC) factors, according to the following table:

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
Military, Veteran's Administration, Health Maintenance Organizations, State Psychiatric Facilities, Children's Hospitals	Yes, paid 100% of allowed charges
((Hospitals not in Oregon, Idaho or Washington	Yes, paid 97% of allowed charges
Oregon and Idaho	Yes, paid the Washington state wide average POAC factor))
All other Washington hospitals	Yes, paid the hospital specific POAC factor

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0220 How does the department or self-insurer pay for hospital outpatient services? The department or self-insurer will pay for hospital outpatient services according to the following table:

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Does the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology an physical therapy services?</i>
Children's Hospitals	Yes, paid 100% of allowed charges	Yes
Chronic Pain Management Program	Exempt, paid per department agreement	Exempt, paid per department agreement
Health Maintenance Organizations	Yes, paid 100% of allowed charges	Yes
Military	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
Veterans Administration	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
State psychiatric facility	Yes, paid 100% of allowed charges	Yes
((Hospitals not in Oregon, Idaho or Washington	Yes, paid 97% of allowed charges	No, paid 100% of allowed charges

<i>Hospital Type or Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Does the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology and physical therapy services?</i>
Oregon and Idaho	Yes, paid the Washington statewide average POAC	Yes))
Washington rural (Peer Group A)	Yes, applies to hospital outpatient services except radiology, laboratory, pathology and physical therapy	Yes
All other Washington hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology and physical therapy	Yes

Hospitals are reimbursed only for the technical component of rates listed in the fee schedules, for outpatient radiology, pathology and laboratory services.

See chapter 296-23 WAC for rules on radiology, pathology, laboratory, physical therapy and work hardening services.

See WAC 296-20-132 and 296-20-135 for information on the conversion factor used for hospital outpatient services.

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0240 How does the department define and pay a new hospital? New hospitals are those open for less than one year prior to the implementation of the department's most recent hospital payment rates. The department will pay new hospitals according to the following table:

<i>Hospital Type or Location</i>	<i>What Diagnosis Related Group (DRG) base price applies?</i>	<i>What Per Diem Payment Rates Apply?</i>	<i>What percent of allowed charges (POAC) factor applies?</i>
((Oregon and Idaho	Exempt	Exempt	Washington state-wide average POAC
Hospitals not in Oregon, Idaho, or Washington	Exempt	Exempt	Paid 97% of allowed charges))
Military, Veterans Administration, State Psychiatric, Health Maintenance Organization, Children's,	Exempt	Exempt	Paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement	Exempt, paid per department agreement	Exempt, Paid per department agreement
Washington Rural Hospital (Peer Group A)	Exempt	Washington state-wide average per diem rates	Washington state-wide average POAC
Other Washington Hospital	Weighted median case-mix adjusted average cost per case for Washington DRG hospitals, except major teaching hospitals	Washington state-wide average per diem rates	Washington state-wide average POAC

A new hospital will be paid using its hospital-specific POAC within three years of receiving a provider account number(s) from the department.

EXPEDITED ADOPTION



WSR 00-01-001
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed December 1, 1999, 2:09 p.m.]

Date of Adoption: November 30, 1999.

Purpose: To amend several rules regulating investment advisers.

Citation of Existing Rules Affected by this Order: Amending WAC 460-24A-040, 460-24A-050, 460-24A-110, and 460-24A-150.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 99-21-072 on October 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: In the interest of promoting uniformity with the other states, proposed amendments to WAC 460-24A-050 which differed from the NASAA model rule were deleted. Editing changes were also made.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 1, 1999

John L. Bley
Director

AMENDATORY SECTION (Amending WSR 97-16-050, filed 7/31/97, effective 8/31/97)

WAC 460-24A-040 Use of certain terms. (1) For the purposes of RCW 21.20.040~~((2))~~(3), use of any term, or abbreviation for a term, including the word "financial planner" or the word "investment counselor" is considered the same as the use of either of those terms alone.

(2) For the purposes of RCW 21.20.040~~((2))~~(3), terms that are deemed similar to "financial planner" and "investment counselor" include, but are not limited to, the following:

- (a) Financial consultant;
- (b) Investment consultant;
- (c) Money manager;
- (d) Investment manager;
- (e) Investment planner;
- (f) Chartered financial consultant or its abbreviation

ChFC; or

(g) The abbreviation CFP.

AMENDATORY SECTION (Amending WSR 97-16-050, filed 7/31/97, effective 8/31/97)

WAC 460-24A-050 Investment adviser and investment adviser ~~((salesperson))~~ ~~((representative))~~ registration and examinations. ~~((1))~~ In order for an applicant to become licensed in this state as an investment adviser the individual applicant, an officer of the applicant if the applicant is a corporation, or a general partner of the applicant if the applicant is a partnership, shall:

(a) Pass the uniform investment adviser law examination (series 65); or the uniform combined state law examination (series 66); and

(b)(i) Pass the NASD general securities principal examination (series 24); or

(ii) Hold one of the following designations:

- (A) Chartered investment counselor;
- (B) Chartered financial analyst;
- (C) Certified financial planner;
- (D) Chartered financial consultant;
- (E) Personal financial specialist;
- (F) Certified investment management analyst; and
- (c) File a completed Form ADV.

(2) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(3) In order to become licensed in this state as an investment adviser salesperson (representative), an applicant shall:

(a) Pass the uniform investment adviser law examination (series 65); or the uniform combined state law examination (series 66); and

(b)(i) Pass the NASD general securities representative examination (series 7); or

(ii) Pass the general securities representative examination (series 2); or

(iii) Hold one of the following designations:

- (A) Chartered investment counselor;
- (B) Chartered financial analyst;
- (C) Certified financial planner;
- (D) Chartered financial consultant;
- (E) Personal financial specialist;
- (F) Certified investment management analyst; and
- (c) File a completed Form U-4.

(4) ~~The administrator may waive the testing requirements in subsection (3) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has~~

been engaged in rendering "investment supervisory services" as defined in section 202 (a)(13) of the Investment Advisers Act of 1940.

(5) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the required examination in subsection (1) or (3) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application.)

(1) Examination requirements. A person applying to be registered as an investment adviser or investment adviser representative under RCW 21.20.040 shall provide the director with proof that he or she has obtained a passing score on one of the following examinations:

(a) The Uniform Investment Adviser Law Examination (Series 65 examination); or

(b) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).

(2) Grandfathering. (a) Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on the effective date of this amended rule shall not be required to satisfy the examination requirements for initial or continued registration, provided that the director may require additional examinations for any individual found to have violated the Securities Act of Washington, Chapter 21.20 RCW, or the Uniform Securities Act. (b) An individual who has not been registered in any jurisdiction for a period of two (2) years shall be required to comply with the examination requirements of subsection (1).

(3) Waivers. The examination requirements shall not apply to an individual who currently holds one of the following professional designations:

(a) Certified Financial Planner (CFP) issued by the Certified Financial Planner Board of Standards, Inc.;

(b) Chartered Financial Consultant (ChFC) awarded by The American College, Bryn Mawr, Pennsylvania;

(c) Personal Financial Specialist (PFS) administered by the American Institute of Certified Public Accountants;

(d) Chartered Financial Analyst (CFA) granted by the Association for Investment Management and Research;

(e) Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America; or

(f) Such other professional designation as the director may by order recognize.

(4) If the person applying for registration as an investment adviser is any entity other than a sole proprietor, an officer, general partner, managing member, or other equivalent person of authority in the entity may take the examination on behalf of the entity. If the person taking the examination ceases to be a person of authority in the entity, then the investment adviser must notify the director of a substitute person of authority who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(5) Registration requirements. (a) A person applying to be registered as an investment adviser shall submit: (i) proof of complying with the examination or waiver requirements specified in subsections (1) through (5) above; (ii) a completed Form ADV; (iii) a financial statement demonstrating compliance with the requirements of WAC 460-24A-170, if necessary; (iv) the application fee specified in RCW 21.20.-340; and (v) such other documents as the director may require. (b) A person applying to be registered as an investment adviser representative shall submit: (i) proof of complying with the examination or waiver requirements specified in subsections (1) through (5) above; (ii) a completed Form U-4; (iii) the application fee specified in RCW 21.20.340; and (iv) such other documents as the director may require.

AMENDATORY SECTION (Amending WSR 99-03-050, filed 1/15/99, effective 2/15/99)

WAC 460-24A-110 Agency cross transactions. (a) For purposes of this rule, "agency cross transaction for an advisory client" means a transaction in which a person acts as an investment adviser in relation to a transaction in which the investment adviser, or any person controlling, controlled by, or under common control with such investment adviser, including an investment adviser representative, acts as a broker-dealer for both the advisory client and another person on the other side of the transaction. When acting in such capacity such person is required to be registered as a broker-dealer in this state unless excluded from the definition.

(b) An investment effecting an agency cross transaction for an advisory client shall be in compliance with ((1998 Wash. Laws ch. 15, §2)) RCW 21.20.020(3) if the following conditions are met:

(1) The advisory client executes a written consent prospectively authorizing the investment adviser to effect agency cross transactions for such client;

(2) Before obtaining such written consent from the client, the investment adviser makes full written disclosure to the client that, with respect to agency cross transactions, the investment adviser will act as broker-dealer for, receive commissions from and have a potentially conflicting division of loyalties and responsibilities regarding both parties to the transactions;

(3) At or before the completion of each agency cross transaction, the investment adviser or any other person relying on this rule sends the client a written confirmation. The written confirmation shall include (A) a statement of the nature of the transaction, (B) the date the transaction took place (C) an offer to furnish, upon request, the time when the transaction took place and (D) the source and amount of any other remuneration the investment adviser received or will receive in connection with the transaction. In the case of a purchase, if the investment adviser was not participating in a distribution, or, in the case of a sale, if the investment adviser was not participating in a tender offer, the written confirmation may state whether the investment adviser has been receiving or will receive any other remuneration and that the investment adviser will furnish the source and amount of such remuneration to the client upon the client's written request;

(4) At least annually, and with or as part of any written statement or summary of the account from the investment adviser, the investment adviser or any other person relying on this rule sends each client a written disclosure statement identifying (A) the total number of agency cross transactions during the period for the client since the date of the last such statement or summary and (B) the total amount of all commissions or other remuneration the investment adviser received or will receive in connection with agency cross transactions for the client during the period;

(5) Each written disclosure and confirmation required by this rule must include a conspicuous statement that the client may revoke the written consent required under subsection (b)(1) of this rule at any time by providing written notice to the investment adviser;

(6) No agency cross transaction may be effected in which the same investment adviser recommended the transaction to both any seller and any purchaser.

(c) Nothing in this rule shall be construed to relieve an investment adviser or investment adviser representative from acting in the best interest of the client, including fulfilling his duty with respect to the best price and execution for the particular transaction for the client nor shall it relieve any investment adviser or investment adviser representative of any other disclosure obligations imposed by the Securities Act of Washington, chapter 21.20 RCW, and the rules and regulations thereunder.

AMENDATORY SECTION (Amending WSR 93-20-012, filed 9/23/93, effective 10/24/93)

WAC 460-24A-150 Performance compensation arrangements. An investment adviser may, without violating RCW 21.20.030(1), enter into a performance compensation arrangement with a customer that complies with Securities and Exchange Commission Rule 205-3, as made effective in Release No. IA-996 and as amended in Release No. IA-1731, under the Investment Advisers Act of 1940. Rule 205-3 is found in the CCH Federal Securities Law Reports published by Commerce Clearing House. Copies of the rule are also available at the office of the securities administrator.

WSR 00-01-002

PERMANENT RULES

GAMBLING COMMISSION

[Order 379—Filed December 1, 1999, 3:35 p.m.]

Date of Adoption: December 1, 1999.

Purpose: Because the requirements for minors to participate in gambling activities were located in several rules and difficult to find, a new rule was written to clearly set forth when a minor may participate in gambling activities. Now all age restrictions are addressed in one rule and will be easier to find. Language was added to clarify that the Liquor Control Board does not allow liquor to be given away, which includes giving liquor away as a prize for gambling activities.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-20-210; and amending WAC 230-12-030.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 99-18-109 on September 1, 1999, with a publication of September 15, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 1, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 1, 1999

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-12-027 Age limit to participate in gambling activities—Bingo advertisements directed to minors.

Minors shall not participate in gambling activities.

(1) Persons under the age of eighteen shall not wager in, nor participate in the operation of any gambling activity. Exceptions to this restriction are set forth in subsection (2) of this section:

Exceptions for minors to participate in gambling activities.

(2) Persons under the age of eighteen may:

(a) Play in licensed bingo games if accompanied by an adult member of his/her immediate family or a guardian, who is at least eighteen years old. For purposes of this section, "immediate family" means and is limited to, the spouse, parents, or grandparents of an individual. "Guardian" means and is limited to an individual appointed by a court of law as the legal guardian of an individual;

(b) Play bingo at agricultural fairs or school carnivals;

(c) Play amusement games, pursuant to the provisions set forth in RCW 9.46.0331 (4) and (5); and

(d) Sell raffle tickets, pursuant to the provisions set forth in WAC 230-02-183.

Bingo advertisements directed to minors.

(3) All bingo advertisements that are directed to minors shall include language indicating that all minors must be

accompanied by a member of their immediate family or a guardian, who is at least eighteen years old.

Enforcement of age restrictions.

(4) The licensee and those persons operating gambling activities are responsible for assuring that persons under the age of eighteen are not playing in or participating in the operation of any gambling activity.

AMENDATORY SECTION (Amending Order 243, filed 8/17/93, effective 1/1/94)

WAC 230-12-030 No beer, wine or ((liquor)) spirits as prizes. ((No beverages containing))

Alcohol shall not be offered as a prize.

(1) Pursuant to the restrictions of the liquor control board, beverages that contain alcohol, including but not limited to((;)) beer, wine or ((liquor,)) spirits, shall not be offered or awarded as a prize or in lieu of a prize for winning at any ((of the activities authorized by chapter 9.46 RCW: Provided, That this section does not apply to activities that are)) gambling activity. Exceptions to this restriction are set forth in subsection (2) of this section.

Exceptions for alcohol to be offered as a prize.

(2) Alcohol may be offered and awarded as a prize in:

(a) Dice or coin contests for music, food, or beverage payment as authorized by RCW 9.46.0305 (Dice or coin contests for music, food, or beverage payment)((, and));

(b) Unlicensed members-only raffles as authorized by RCW 9.46.0315 (Raffles—No license required, when) ((conducted by bona fide charitable or bona fide nonprofit organizations. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises)), but only if the appropriate permit has been granted by the liquor control board; and

(c) Other gambling activities that the liquor control board has authorized alcohol to be given away.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-210 Age limit for bingo.

**WSR 00-01-003
PERMANENT RULES
GAMBLING COMMISSION**

[Order 378—Filed December 1, 1999, 3:49 p.m.]

Date of Adoption: December 1, 1999.

Purpose: The requirements of "no fee bingo" were set forth in this rules package.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-192.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 99-18-077 on August 31, 1999, with a publication of September 15, 1999.

Changes Other than Editing from Proposed to Adopted Version: Proposed language to clarify that the specific business, product or service a promotional contest of chance is designed to promote cannot be a gambling activity was removed. Furthermore, a new rule clarifying what a person may be required to do to enter a promotional contest was also removed from this rules package.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 1, 1999

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-46-045 Promotional contests of chance similar to bingo—"No fee bingo." Promotional contests of chance, which are similar to bingo and are commonly referred to as "no fee bingo," may be conducted in limited circumstances if all of the following conditions are met:

Entry fees not allowed.

(1) Participants may not be charged a direct or indirect fee to participate in the game. Indirect fees include, but are not limited to, cover charges and other similar fees;

Limit on value of prizes.

(2) Prizes may only involve merchandise items such as food, nonalcoholic beverages, hats, shirts, or other promotional items valued at less than twenty-five dollars each. No cash prizes may be substituted for merchandise prizes. Prizes cannot exceed one hundred dollars per week, or five thousand

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dollars per year. Operators shall record the names of winners and prize(s) won for each game;

Bingo cards.

(3) Bingo cards used must be of the type set aside for recreational or noncommercial uses as described in WAC 230-20-192 (6)(a)(iii); and

Contest time limit.

(4) The contest shall not be conducted for more than a total of three hours per day, twice per week. Participants shall receive a bingo card immediately prior to the start of each game.

AMENDATORY SECTION (Amending WSR 97-19-079, filed 9/16/97, effective 1/1/98)

WAC 230-20-192 Standards for disposable bingo cards—Requirements and definitions. Disposable bingo cards sold for use in the state of Washington shall be manufactured and controlled using processes and procedures that ensure integrity of the activity and facilitates regulation by the commission.

Requirements for manufacturers of disposable bingo cards (~~shall comply with the following requirements:~~),

(1) Manufacturers shall establish quality control procedures necessary to ensure manufacturing processes, including collating of cards into packs or packets, meet the requirements of this section. Quality control procedures shall be documented and provided to commission staff upon request(;;).

Definitions.

(2) For purposes of this title, the following definitions apply:

(a) "Card" or "face" means a unique group and configuration of numbers or symbols imprinted on paper, cardboard, or other materials, and designed to be used to conduct bingo games;

(b) "Card number" means the number assigned by the manufacturer to identify a single card or face. A "card number" may also be referred to as a "face" or "perm" number;

(c) "Collate" means the process of cutting and/or assembling master sheets or precut sheets of cards from one or more sets of cards into packets or books for marketing purposes. "Collate" may also be referred to as "finish" or "finishing";

(d) "Collation" means a group of packets or books of cards assembled from more than one set of cards;

(e) "Consecutively numbered" means a numbering system normally beginning with the number one, increased by one for each individual unit added to the group, and ending with a number identical to the total number of units assigned to that group;

(f) "Cut" means the layout or orientation of cards or sheets of cards subdivided from a master sheet of cards or faces. A "cut" will be either square, horizontal, or vertical;

(g) "Disposable bingo card" means a nonreusable paper bingo card manufactured by a licensed manufacturer;

(h) "Duplicate cards" means two or more cards that are imprinted with the same numbers or symbols, regardless of the configuration or location of such numbers or symbols on the card;

(i) "On" means the number of cards or faces imprinted on a sheet or "cut." The term is normally preceded by the number of cards;

(j) "Pack" or "packet" means a group of cards or sheets of cards collated into a book when each page or sheet in the book is intended for use to play a separate bingo game, including "on-the-way" games, within a session;

(k) "Product line" means a specific type of card, identifiable by features or characteristics that are unique when compared to other types of cards marketed by the manufacturer. A "product line" includes all series and all cards within each series as identified by the manufacturer;

(l) "Serial number" means a number assigned to a set of cards by a manufacturer for identification and tracking purposes when the same number is not used to identify another set of cards from the same product line, color, border pattern, and series in less than 999,999 occurrences or twelve months, whichever occurs first: Provided, That if the product line is used as a determining factor for assignment of a serial number, the difference between various product lines must be readily identifiable by observation;

(m) "Series" of cards means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9000 series";

(n) "Set" of cards means a specific group of cards from the same product line, which are the same color, border pattern, and imprinted with the same serial number. A "set" of cards may include more than one series of cards or faces;

(o) "Sheet number" means the number assigned by the manufacturer to identify an arrangement of more than one card that results from dividing master sheets of cards to facilitate marketing;

(p) "Skip" means the standard spread or difference between card or sheet numbers at different page levels in packs or packets;

(q) "Subset" means a portion of a set of cards or collation of packets that has been divided by a licensed distributor to facilitate marketing; and

(r) "Up" means the number of pages or sheets collated into each packet or book of cards. The term is normally preceded by the number of pages or sheets.

Duplicate disposable bingo cards.

(3) Each card or face in a particular type or product line must be imprinted with a unique set of numbers or symbols and configuration of numbers or symbols. Duplicate cards within a specific product line are prohibited. Manufacturers of disposable bingo cards are responsible for ensuring that there are no duplicate cards in a set or collation of cards sold to distributors or operators: Provided, That duplicate cards can be collated into packets if they are located at different

page levels in the packets and intended only for use during separate games, including "on-the-way" games, within a session. If a manufacturer discovers a duplicate card error or is notified of such by the commission staff or a licensee, it shall immediately comply with the following steps:

(a) Stop marketing the product line containing duplicate cards in Washington;

(b) Recall all sets of cards and/or collations of packets or books containing duplicate cards at the same page level;

(c) Take steps to correct manufacturing or collating processes necessary to ensure duplicate cards are not sold to operators, and inform the commission in writing regarding steps taken;

(d) Reimburse all operators who submit a claim for prizes paid as a result of selling sets or collations containing duplicate cards when such claim has been validated by commission staff; and

(e) Reimburse the commission for all cost incurred investigating duplicate card complaints that result in findings that the error was caused by manufacturers.

Collating disposable bingo cards.

(4) Packets of cards must be collated so that each page of the packet:

(a) Is from a different set of cards;

(b) Has skips that are consistent throughout the entire collation and contains cards that are different when compared to other cards or faces in the pack or packet; and

(c) Has a different color or border pattern.

Audit system to identify each set of disposable bingo cards.

(5) Each set must include an audit system that allows identification of that specific set and each specific card within that set, allows tracking of the transfer of cards from the point of manufacture to operators, and facilitates sale by the operator to the player: Provided, That audit systems that accomplish regulatory requirements using alternative controls may be approved by the commission staff. The audit system shall meet the following requirements:

(a) Each set of cards manufactured as a specific product line, using the same color and border pattern, will be assigned a unique serial number by the manufacturer. The serial number must be imprinted on each card or face;

(b) Each card or face must be identified by a card number imprinted on the face of the card: Provided, That cards used in "player selection" games, authorized by WAC 230-20-241 and "keno bingo" games, authorized by WAC 230-20-247, are exempted from this requirement; and

(c) Each sheet of cards within a set must be consecutively numbered: Provided, That sheets of cards do not have to be numbered if alternative audit controls are available and disclosed to the operator.

Sale of disposable bingo cards.

(6) Each set of cards or collation of packets of cards shall be sold intact as a single unit: Provided, That for ease of marketing to Class E and below operators and to operators of

authorized unlicensed activities, distributors may divide sets or collations as authorized below:

(a) Cartons or packages assembled by manufacturers cannot be opened prior to sale to an operator, except that distributors may open cartons or packages as authorized below:

(i) At an operator's request to change the "on," "up," and "cut." When such modification is made, the distributor shall be responsible for resealing the carton and noting all changes on the packing label;

(ii) To provide cards to Class A or B bingo games and for unlicensed activities authorized by RCW 9.46.0321 or 9.46.0355; ~~(and)~~

(iii) To provide cards to individuals for ~~((noneommercial))~~ recreational activities; and

(iv) To provide cards to businesses for use in promotional contests of chance as authorized by RCW 9.46.0355.

(b) Subsets must contain at least one carton or package: Provided, That cartons or packages may be broken and cards sold in smaller quantities under conditions described in subsection (6)(a)(i) and (ii) of this section; and

(c) Subsets of cards used for "hidden face" bingo games must contain at least one thousand cards or sheets of cards.

"Hidden face" disposable bingo cards.

(7) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in the operation of "hidden face" bingo games, authorized by WAC 230-20-243, must meet the following requirements:

(a) Each card or sheet of cards must be printed, folded, and sealed in a manner that prohibits determination of numbers or symbols, configurations of such on the card, or the card number prior to opening by the player;

(b) Each card or sheet of cards must have a separate numbering system that is randomly distributed when compared to the card number imprinted in the "free" space. Manufacturers must utilize procedures that mix cards or sheets of cards in a manner that ensures no consistent relationship exists between the "card numbers" and separate numbering system within a set or subset and that there are no patterns or consistent relationships of the location of a specific card number between subsets from different sets;

(c) The serial number and the additional card or sheet number, required by (b) of this subsection, must be imprinted on the outside of the cards or sheets of cards and visible for recording without opening the card or sheet of cards; and

(d) Each set of cards must contain at least six thousand unique faces or patterns of numbers or symbols.

"Player selection" disposable bingo cards.

(8) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in "player selection" bingo games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper that provides an original and duplicate copy(ies).

Packing slip requirements.

(9) A packing record must be completed for each set of cards or collation of packets and either enclosed inside or in an envelope attached to the carton or package. If the market-

WSR 00-01-009

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 99-14—Filed December 3, 1999, 1:26 p.m.]

Date of Adoption: December 1, 1999.

Purpose: To correct errors in grammar, punctuation, make agency address and program name changes and clarify the language without changing its effect.

Citation of Existing Rules Affected by this Order: Amending WAC 173-495-010, 173-495-020, 173-495-040, 173-495-045, 173-495-060, 173-495-065, 173-495-070, 173-495-080, 173-495-100, and 173-495-120.

Statutory Authority for Adoption: RCW 79.94.331.

Other Authority: Chapters 70.94 and 43.37 RCW.

Adopted under notice filed as WSR 99-13-174 on June 22, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 1, 1999

Tom Fitzsimmons

Director

PERMANENT

ing unit contains more than one carton or package, the packing record must be located on carton or package number one. The packing record must include at least the following:

(a) Name of manufacturer;

(b) Description of product, including the "series," "on," "cut," and "up";

(c) Records entry labels that match the identification and inspection services stamp attached to the packing label on the outside of the carton or package;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, colors and border patterns of all sets and the sequence they are collated in the packet; and

(f) A record of any missing cards, sheets of cards, or packets.

Labeling requirements.

(10) Each separate packing or marketing unit containing a set of cards or collation of packets of cards must be identified in a manner that allows determination of the contents without opening the package. If the marketing unit contains more than one case or carton, each unit shall be labeled and numbered. Minimum information to be disclosed on each carton or package:

(a) The identification and inspection services stamp number;

(b) Serial number or, if packets, serial number of the top page;

(c) Color and border pattern or, if packets, color and border pattern of the top page; and

(d) Number of the carton and the total number of cartons included in the marketing unit.

Quality control.

(11) Sets of cards, collations of packets, or any other marketing units established by a manufacturer shall be complete and contain the correct number of cards or packets and the specific cards or packets noted on the packing slip: Provided, That up to one percent of the cards in the set may be missing if all missing cards, sheets, or packets are documented on the packing record enclosed in carton or package number one of the marketing unit(~~(-and)~~).

Winning card verification system.

(12) To provide the commission and operators the ability to verify the authenticity of winning cards, each manufacturer shall prepare and make available a master verification system for each type or product line of cards it manufactures. This master verification system shall provide a facsimile of each card within a set of cards by the card number. The master verification system shall display the exact numbers or symbols and the location or configuration of numbers or symbols on the card.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-010 Purpose. This chapter, (~~promulgated~~) adopted under chapters 43.37 and 70.94 RCW establishes the responsibilities for the supervision and control of all weather modification activities within the state, and representation by the state in all interstate contacts relating to weather modification and control. This regulation provides the basic framework for carrying out the state's responsibility for such a program through the establishment of license and permit requirements and procedures, reporting, and fee requirements. The provisions of this chapter (~~shall~~) apply to all weather modification activities in all parts of the state except as specifically exempted in this chapter.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is

clearly required by context, words and phrases as used in this chapter ~~((shall))~~ have the following meanings:

(1) "Operation" means the performance of weather modification and control activities using a single permit or license under contract for the purpose of producing or attempting to produce a weather modifying effect within a geographical area.

(2) "Research and development" means theoretical analysis, exploration and experimentation, and the extension of investigative findings of theories of a scientific or technical nature into practical application for experimental and demonstration purposes. This includes the experimental production and testing of models, devices, equipment, materials, and ~~((processing))~~ processes.

(3) "Weather modification and control" means changing or attempting to change or control by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-040 Requirements for exempt activities. The following weather modification and control ~~((activity shall be))~~ activities are exempt from the license and permit requirements of RCW 43.37.100, ~~((the permit requirements of RCW 43.37.100,))~~ and the liability requirements of RCW 43.37.190:

(1) All research and experiments related to weather modification control conducted within laboratories~~((:));~~

(2) Those weather modification operations designed to alleviate sudden, unexpected, hazardous conditions which require expeditious localized action for:

(a) Protection against fire;

(b) Prevention of frost;

(c) Dispersal of fog;

(3) Field research and development by institutions of higher learning~~((:));~~

(4) Any person~~((s))~~ proposing to conduct weather modification and control activities as described in subsection (2) of this section shall notify the air quality program~~((s)),~~ department of ecology, headquarters offices in Olympia, Washington, before proceeding ~~((of)).~~ Notification must include the type of activity to be carried out, the person carrying out the activity, and the materials and technique of the application to be used~~((:));~~

(5) Any person proposing to conduct weather modification and control activities as described in subsection (3) ~~((above))~~ of this section shall provide ~~((a written description of the proposed program, notice of actual operations ten days prior to commencement, and quarterly reports of operations and status to the Headquarters Office Department of Ecology, Olympia, Washington));~~

(a) A written description of the proposed program;

(b) Notice of actual operations ten days before beginning those activities; and

(c) Quarterly reports of operations and status to the Headquarters Office, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-045 Requirements for a regular license. All applicants for a weather modification license ~~((shall))~~ must be certified professional members of the American Meteorological Society or possess the academic achievements and professional experience necessary to receive such a certification. In cases where the applicant is an organization, the individual or individuals who will be in control and in charge of the weather modification and control activities ~~((shall))~~ must be required to meet the above standard.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-060 Procedures for issuing license. (1)

Any person or organization desiring to obtain a license or restricted license shall ~~((make an application))~~ apply to ecology on the form prescribed, listing name, business address, etc.

(2) Ecology may require additional information of the applicant to determine competency in the field of meteorology. ~~((Such))~~ The additional information ~~((shall))~~ must be requested of the applicant by certified mail, and ~~((shall))~~ must be submitted in writing.

(3) ~~((Prior to the issuance of))~~ Before issuing any license, the applicant shall pay a fee of ~~(((\$100))~~ one hundred dollars to the state of Washington.

(4) The application shall be deemed received by ecology when received at the Headquarters Offices, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, Washington, 98504-7600.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-065 Period of license. (1) Licenses issued ~~((pursuant to))~~ under chapter 43.37 RCW and these regulations ~~((shall be))~~ are effective for a period of one year, ~~((to))~~ and will terminate at the end of the calendar year of issuance.

(2) ~~((No later than thirty days prior to the end of the calendar year, the licensee may request a renewal of the license.))~~ The licensee may request a renewal of the license no later than December 1st. Ecology shall review the license renewal request after receiving a renewal fee of one hundred dollars made payable to the state of Washington.

(3) In the determination of whether or not to grant a license renewal, ecology shall consider information provided by the applicant ~~((of))~~ on the facts and circumstances used to issue the original permit that were changed or altered. If ecology determines that the licensee no longer meets the requirements of competency in the field of meteorology, ecology may refuse to renew ~~((said))~~ the license.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-070 Permit requirements. (1) Each weather modification operation not specifically exempted by statute or these regulations ~~((shall))~~ requires a permit. A separate permit ~~((shall))~~ must be issued for each operation.

(2) A license holder desiring to conduct a weather modification operation shall submit an application for a permit to ecology.

(3) The permit applicant must hold a valid weather modification license from the state of Washington.

(4) The applicant shall publish a notice of intention at least once a week for three consecutive weeks in a ~~((legal))~~ newspaper ~~((having))~~ that has general circulation ~~((and published))~~ within ~~((any))~~ the county in which the operation is to be conducted or affected. ~~((If no legal newspaper is published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county.))~~

(5) The licensee shall file proof of publication of the notice of intention ~~((shall be filed by the licensee))~~ with ecology within fifteen days from the date of last publication of the notice.

(6) The notice of intention ~~((shall))~~ must contain at least the following:

(a) The name and address of the licensee;

(b) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;

(c) The area in which and the appropriate time during which the operation will be conducted;

(d) The area intended to be affected by the operation; and

(e) The materials and methods to be used in conducting the operation.

(7) The applicant shall furnish proof of financial responsibility, as described in WAC 173-495-120 of this chapter.

(8) The applicant shall pay a permit fee of one and one-half percent of the estimated cost of the operation. The estimated cost will be computed by ecology from available data.

(9) ~~((Prior to issuance of))~~ Before issuing a permit, ecology shall state, in writing, that the weather modification and control activities proposed have been determined to be for the general welfare and public good.

(10) Ecology shall hold ~~((an open))~~ a public hearing ~~((at its headquarters office in Olympia prior to))~~ before any ~~((such))~~ weather modification permit ~~((issuance))~~ is issued.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-080 Permittee's report of operations—Requirement. The permittee ~~((shall be))~~ is required to maintain reports on all operations on a daily basis, and submit them twice a month (1st day and 15th day) to ecology. The semi-monthly reports ~~((shall))~~ must include the following information:

(1) Number of days under contract~~((:))~~;

(2) Number of days of operation and number of hours of each day, for all stations operated~~((:))~~;

(3) The consumption rate and name of seeding agent used~~((:))~~;

(4) A brief summary statement evaluating the past fifteen day period in regard to the seeding potential and experience~~((:))~~;

(5) Location of operations~~((:))~~;

(6) Name and mailing address of each individual, other than the licensee, participating or assisting in the operation~~((:))~~;

(7) A brief statement of projected plans for the ~~((coming))~~ upcoming fifteen-day period~~((:))~~;

(8) The permittee shall, in the event operations are unexpectedly terminated, submit a special report covering ~~((that fraction))~~ the portion of the half-month period of operation ~~((is required))~~. All reports must be post-marked not later than one day after due date~~((:))~~;

(9) All ~~((such records))~~ semi-monthly reports are public records, which ~~((shall be))~~ are open to public inspection.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-100 Revocation, suspension, modification. (1) All permits authorized by RCW 43.37.110 ~~((shall))~~ must contain the following provisions: "Ecology may, if it appears that continuing operation under this permit will cause immediate injury to persons or property, terminate or otherwise modify the terms of this permit in order to alleviate an emergency situation by giving notice to the permittee by telegram or other writing."

(2) All permits authorized by RCW 43.37.110 may be revoked, suspended, or modified when ecology has reason to believe that good cause exists and that the revocation, suspension, or modification is required for the general welfare and public good. ~~((Any such))~~ A written notice must be sent by certified mail to the permittee before any revocation, suspension, or modification ~~((shall not be undertaken prior to written notice by certified mail to the permittee))~~ of the permit is executed. Opportunity for comment by the permittee ~~((shall))~~ must be allowed. Any final ecology decision ~~((shall))~~ must be in writing.

(3) In the event the applicant desires to appeal any permit revocation, modification, or suspension action by ecology ~~((such))~~ the appeal must be filed with the pollution control hearings board in Olympia within thirty days of ecology's action. An appeal does not constitute a stay.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-495-120 Proof of financial responsibility.

A permit applicant shall furnish proof of financial responsibility to ecology by one of the following:

(1) Copy of insurance policy or binder for the operator~~((:))~~;

(2) A current balance sheet showing sufficient assets to demonstrate financial responsibility~~((:))~~;

(3) A bond for safe performance~~((:))~~; or

(4) ~~((Such))~~ Other information ~~((as))~~ the applicant may provide to ecology, in writing, if ~~((one of))~~ the alternate

~~((methods)) documents~~ contained in subsections (1) through (3) of this section, ~~((is)) are~~ not feasible or available ~~((, provided the applicant explains the infeasibility or unavailability))~~. If other information is provided, the applicants must explain the reason the documents listed in subsections (1) through (3) of this section are not provided.

WSR 00-01-012
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 3, 1999, 1:40 p.m., effective January 1, 2000]

Date of Adoption: December 3, 1999.

Purpose: With the implementation of prospective income budgeting, effective with January 2000 benefits, references to retrospective budgeting must be deleted. In addition, WAC 388-450-0245 has been revised to conform to Executive Order 97-02 writing standards. WAC 388-450-0250 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-450-0250; and amending WAC 388-450-0245.

Statutory Authority for Adoption: RCW 74.04.510.

Adopted under notice filed as WSR 99-19-158 on September 22, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule must go into effect on January 1, 2000, in order to implement the department's prospective budgeting program changes.

Effective Date of Rule: January 1, 2000.

December 3, 1999

Marie Myerchin-Redifer
 Manager

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0245 ~~((Suspend))~~ **When are my benefits((+)) suspended?** ~~((This section applies to))~~ **(1) In the TANF/SFA, RCA, GA and food assistance programs((**

~~(1) An assistance unit's benefits are suspended when the assistance unit's countable net income makes the assistance unit ineligible for one payment month.~~

~~(2) An assistance unit's benefits will be suspended rather than terminated when:~~

~~(a) There is reason to believe the assistance unit would be ineligible for benefits for only one payment month; and~~

~~(b) The cause was due to income or other circumstances in the corresponding budget month)), the word "suspend" means that the department stops your benefits for one month.~~

~~(2) We suspend your benefits for one month when your expected countable income as defined in WAC 388-450-0162:~~

~~(a) Exceeds the dollar limits for your household size; and~~

~~(b) Exceeds those limits for only that one month.~~

~~(3) We end your benefits when your expected countable income exceeds the limits for your household size for two or more consecutive months.~~

~~(4) If your expected income drops below the limits for your household size, you may be eligible if you reapply for benefits.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-450-0250

Income of a new assistance unit member.

WSR 00-01-027
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed December 6, 1999, 2:40 p.m.]

Date of Adoption: December 6, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-100 and 308-93-340; and amending WAC 308-93-079, 308-93-090, and 308-93-160.

Statutory Authority for Adoption: RCW 88.02.070.

Other Authority: RCW 88.02.100.

Adopted under notice filed as WSR 99-20-064 on October 4, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 2.

PERMANENT

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 6, 1999

Fred Stephens

Director

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-079 Government exempt vessels. ((Any vessel owned by the state of Washington or by any county, city, town or other political subdivision of the state of Washington, clearly identifiable as such and used exclusively by that agency, may obtain a title and valid annual registration upon payment of all fees required under chapter 88.02 RCW but shall be exempt from payment of the excise tax. The department may assign a registration number and issue a decal, which must be displayed as prescribed under WAC 308-93-140.)) (1) **If a government agency chooses to display registration numbers and current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required?** Government agencies are required to pay filing and registration fees. Excise tax is not required.

(2) **If the department issues a Washington registration number and current decals, is the government agency required to display them?** Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-090 Rented or leased vessels. ((If the owner of the vessel is a Washington resident, and the vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is a resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) ~~Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.~~

(2) ~~If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.~~

(3) ~~If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured~~

~~party's name and address will be shown in the legal owner's space.))~~ (1) **How does the department differentiate between rented and leased vessels?** For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) **When must rented or leased vessels, used on Washington waters, be titled and registered or required to obtain an identification document?** A rented or leased vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances. If the vessel is:

(a) Registered out of country and rented or leased, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document.

(b) Registered in a foreign jurisdiction and rented or leased by a nonresident individual, and used upon Washington waters, the owner shall purchase a Vessel 60 Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). Not more than two identification documents shall be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it shall be titled and registered in this state or removed from the waters of this state.

(c) Registered in a foreign jurisdiction and rented or leased by a Washington resident, and used upon Washington waters, the following apply:

(i) If the vessel is leased for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secure party is shown as the legal owner.

(3) **Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented?** Rented vessels are titled and registered in the name of the owner, not the operator. Any secured party is shown as legal owner.

(4) **What documents must a Washington resident carry with them when they rent or lease a Washington registered vessel and operate the vessel on Washington waters?**

(a) When the vessel is less than twenty-six feet in length and rented or leased for less than seven days, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) A copy of the current registration certificate.

(b) When the vessel is less than twenty-six feet in length and rented or leased for seven days or more, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(c) When the vessel is twenty-six feet or more and is rented or leased, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(5) Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vessel in Washington? If there is a secured party on the out-of-state certificate of ownership and shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-160 Excise tax exemptions—Indians.

(1) (For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison,

Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) **What Indian reservations in Washington are recognized by the United States Department of the Interior?** The following are the only Washington "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis Confederated tribes, Colville Confederated tribes, Hoh, Jamestown S'Klallam, Kalispel, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S'Klallam, Puyallup, Quileute, Quinault, Samish, Sauk-Suiattle, Shoalwater Bay, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit and Yakama.

(3) **How does an Indian qualify for a vessel excise tax exemption?** To qualify for a vessel excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member; and

(c) Be a registered owner of the vessel for which the exemption is requested; or

(d) Be the owner of a vessel used in the exercise of treaty fishing rights as defined in the Consent Decree, dated November 28, 1994, entered in *United States v. Washington*,

Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington.

(4) Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax? No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. Tribal treaty fishing vessels are exempt from excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption?

(a) The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(b) If the vessel is used in the exercise of treaty fishing rights, as defined in the Consent Decree dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington, the registered owner must provide proof that the vessel is registered under the provisions of WAC 308-93-700 through 308-93-770.

(6) What information must be contained within the affidavit of exemption described in subsection (5)(a) of this section? At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation;

(f) The position or title of the tribal authority, their telephone number and their signature.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-93-100	Retention of registration certificate for leased or rented vessels.
WAC 308-93-340	Commercial fishing vessels.

WSR 00-01-028 PERMANENT RULES DEPARTMENT OF INFORMATION SERVICES

[Filed December 7, 1999, 9:25 a.m.]

Date of Adoption: December 7, 1999.

Purpose: Streamline procedures for public records requests and correct rules to reflect statutory changes. Describe Department of Information Services and Information Services Board and procedures for public records.

Citation of Existing Rules Affected by this Order: Repealing WAC 143-06-040 and 143-06-150; and amending WAC 143-06-020, 143-06-030, 143-06-060, 143-06-070, 143-06-090, 143-06-100, 143-06-120, 143-06-130, 143-06-140, and 143-06-160.

Statutory Authority for Adoption: Chapter 42.17 RCW.

Adopted under notice filed as WSR 99-22-056 on November 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 7, 1999

Bradley J. Hillis

Assistant Manager

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-020 Definitions. (1) Public record ((includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics)) shall have the meaning described in RCW 42.17.020(36).

(2) Writing ((means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents)) shall have the meaning described in RCW 42.17.020(42).

(3) The Washington state department of information services is the agency created by chapter 504, Laws of 1987, hereinafter referred to as the department.

(4) The Washington state information services board is appointed ~~((by the governor pursuant to chapter 504, Laws of 1987))~~ in the manner described in RCW 43.105.032. The Washington state information services board shall hereinafter be referred to as the board.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-030 Description of organization. (1) The board shall conduct its business through the administrative office of the department. The administrative office is located in the Jefferson Building, 1110 Jefferson Street S.E., Olympia, Wash., 98504.

(2) The board is composed of ~~((seven persons appointed by the governor, and one person selected by the chief justice of the supreme court, and one member selected by the president of the senate and the speaker of the house of representatives))~~ those members described in RCW 43.105.032 to carry out the duties contained in chapter 43.105 RCW as amended. The administrative head of the board is the director of the department of information services, hereinafter referred to as the director. All communications, requests and business shall be forwarded to the director at the aforespecified administrative office of the board.

(3) ~~((The department is composed of a services component and a planning component.~~

(4)) The board and department are chartered by the legislature to provide for coordinated planning and management of state information services.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-060 Public records officer. The board and the department's public records shall be in the charge of the public records officer designated by the director. The person so designated shall be located in the administrative office of the board and the department. The public records officer shall be responsible for the following: The implementation of the board and the department's rules and regulations regarding release of public records, and generally ~~((insuring))~~ ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the administrative office. ~~((For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to noon and from 1 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.))~~

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-090 Copying. No fee shall be charged for the inspection of public records. ~~((The department shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the department's copy equipment.))~~ The amount for copying shall be as provided for in RCW 42.17.300. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-100 Exemptions. (1) The department ~~((reserves the right to))~~ may determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the department ~~((reserves the right to))~~ may delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-120 Protection of public records. (1) No person shall knowingly alter, deface or destroy public records of the board and department.

(2) Original copies of public records of the board and department shall not be removed from the administrative offices of the board and department.

(3) ~~((Care and safekeeping of public records of the board and department, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.~~

(4)) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

~~((5) Boisterous or otherwise))~~ (4) Disruptive conduct by those requesting public records of the board and department shall not be permitted.

AMENDATORY SECTION (Amending WSR 91-07-033, filed 3/15/91, effective 4/15/91)

WAC 143-06-130 Records index. The department has available to all persons a current index which provides identifying information as to the records of the board and department. Agency records are indexed and retained as follows:

The generic index for department records is located in the office of the DIS Public Records Officer, at 1110 (South) Jefferson Street S.E., Olympia, Washington 98504. This index lists public records as required by RCW 42.17.260, and indicates the division of the department in which they are located. Specific forms and documents are retained in the divisions as identified on the records retention schedules established by the division of state archives of the office of the secretary of state. These schedules are available to the public through the public records officer.

AMENDATORY SECTION (Amending Order 88-1, filed 10/11/88)

WAC 143-06-140 Communications with the board and department. All communications with the board and department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board and department's decisions and other matters, shall be addressed as follows: Washington State Department of Information Services, c/o Public Records Officer, Jefferson Building, 1110 Jefferson Street S.E., Olympia, Wash. 98504.

AMENDATORY SECTION (Amending Order 0005, filed 4/17/75)

WAC 143-06-160 Records in possession of data processing service centers. No public records of users of ((data processing service centers)) department services shall be made available for public inspection or copying by the ((center)) department without the express written authorization of the user.

Requests for inspection or copying of public records of the user, held or maintained by the center, shall be referred to the user for determination as to the right of public access to such records, pursuant to chapter 42.17 RCW. Costs incurred by the ((center)) department in providing access to or copies of public records of the user pursuant to chapter 42.17 RCW shall be paid by the user.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 143-06-040 Operations and procedures.
- WAC 143-06-150 Adoption of form.

**WSR 00-01-030
PERMANENT RULES
COMMISSION ON
JUDICIAL CONDUCT**

[Order 99-02—Filed December 7, 1999, 11:07 a.m., effective January 15, 2000]

Date of Adoption: December 3, 1999.

Purpose: Modify and clarify existing rules of procedure, Rules 6, 17 and 28.

Citation of Existing Rules Affected by this Order: Amending CJCRP 6, 17 and 28.

Statutory Authority for Adoption: Article IV, Section 31, Washington State Constitution.

Other Authority: Chapter 2.64 RCW.

Adopted under notice filed as WSR 99-20-114 on October 6, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 3, Repealed 0.

Effective Date of Rule: January 15, 2000.

December 3, 1999

Gregory R. Dallaire
Chair

**COMMISSION ON JUDICIAL CONDUCT
RULES OF PROCEDURE (CJCRP)**

AMENDATORY SECTION (Amending Order 99-01, filed 8/13/99)

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 99-01, filed 8/13/99)

RULE 6. DISCIPLINE

(a) **Grounds.** Any conduct that violates the Code of Judicial Conduct is grounds for discipline which shall be issued or administered in open session.

(b) **Discipline.** The commission shall have the authority to:

- (1) Admonish;
- (2) Reprimand;
- (3) Censure;
- (4) Censure and recommend to the supreme court the suspension of the respondent with or without pay;
- (5) Censure and recommend to the supreme court the removal of the respondent from judicial office; and
- (6) Impose any other sanction the commission is authorized to administer. The vote of any member of the commission to impose a particular disciplinary action shall be deemed an assent to impose all lesser disciplinary actions.

(c) **Mitigating/aggravating factors.**¹ Whenever the commission finds grounds for discipline, it shall consider the following nonexclusive factors in determining the appropriate discipline to be ordered:

(1) Characteristics of Misconduct.

((+)) (A) Whether the misconduct is an isolated instance or evidence of a pattern of conduct;

~~((2))~~ (B) The nature, extent, and frequency of occurrence of the acts of misconduct;

~~((3))~~ (C) Whether the misconduct occurred in or out of the courtroom;

~~((4))~~ (D) Whether the misconduct occurred in the judge's official capacity or in the judge's private life;

(E) Whether the judge flagrantly and intentionally violated the oath of office;

(F) The nature and extent to which the acts of misconduct have been injurious to other persons;

(G) The extent to which the judge exploited the judge's official capacity to satisfy personal desires; and

(H) The effect the misconduct has upon the integrity of and respect for the judiciary.

(2) Service and Demeanor of the Judge.

~~((5))~~ (A) Whether the judge has acknowledged or recognized that the acts occurred;

~~((6))~~ (B) Whether the judge has evidenced an effort to change or modify the conduct;

~~((7))~~ (C) The judge's length of service (~~on the bench~~) in a judicial capacity;

~~((8))~~ (D) Whether there has been prior (~~public~~) disciplinary action concerning the judge;

~~((9))~~ The effect the misconduct has upon the integrity of and respect for the judiciary;

~~((10))~~ The extent to which the judge exploited the judicial position to satisfy personal desires;

~~((11))~~ (E) Whether the judge cooperated with the commission investigation and proceeding; and

~~((12))~~ (F) The judge's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

(d) **Sanctions.** The sanction imposed by the commission shall be appropriate to the level of culpability. A sanction shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from acts of misconduct in the future.

(e) **Required appearance.** The judge shall personally appear before the commission to receive an order imposing a reprimand or a censure.

¹The factors are set forth in *In re Deming*, 108 Wn.2d 82, 119-120 (1987), *Discipline of Ritchie*, 123 Wn.2d 725 (1994), *In re Kaiser*, 111 Wn.2d 275 (1988), and *In re Blauvelt*, 115 Wn.2d 735 (1990).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 99-01, filed 8/13/99)

RULE 17. SCREENING AND INVESTIGATION

(a) **General.** An investigative officer employed by the commission will conduct the investigation aided by disciplinary counsel if deemed appropriate by the commission.

(b) **Screening.**

(1) Any named or anonymous organization, association, or person, including a member of the commission or staff, may make a complaint of judicial misconduct or incapacity to

the commission. A complaint may be made orally or in writing.

(2) The investigative officer shall evaluate all complaints to determine whether:

(A) The person against whom the allegations are made is a judge subject to the disciplinary authority of the commission; and either

(B) The facts alleged, if true, would constitute misconduct or incapacity; or

(C) The investigative officer has grounds to believe that upon further inquiry such facts might be discovered. If not, the investigative officer shall recommend to the commission to dismiss the matter or, if appropriate, refer the complainant to another agency.

(c) **Preliminary investigation.**

(1) Upon receipt of a complaint, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. The investigative officer may interview witnesses and examine evidence to determine whether grounds exist to believe the allegations of complaints. No subpoena shall be issued to obtain testimony or evidence until authorized by a member of the commission. The investigative officer will assemble documentary evidence, declarations, sworn statements, and affidavits of witnesses for consideration by the commission. The investigative officer shall recommend to the commission that it authorize a full investigation when there is evidence supporting the allegations against a respondent. The investigative officer may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. Where there are no such grounds, the matter shall be dismissed. Where there is a basis to proceed, the commission will forward those supporting records into the initial proceedings.

(2) If the complaint alleges that a respondent is suffering a possible physical and/or mental incapacity which may seriously impair the performance of judicial duties, or is exhibiting conduct which may be the result of such incapacity, the commission may order a respondent to submit to physical and/or mental examinations conducted at commission expense by a practitioner or health care provider selected by the commission. The failure or refusal of a respondent to submit to physical and/or mental examinations ordered by the commission may, in the discretion of the commission, preclude respondent from presenting the results of other physical and/or mental examinations on his or her behalf.

(3) Upon determination of the commission to commence initial proceedings, it shall direct the investigative officer to file a statement of allegations setting forth the nature of the complaint with sufficient specificity to permit a response.

(d) **Initial proceedings.**

(1) The respondent who is the subject of initial proceedings will be provided with a copy of the statement of allegations and shall be given a reasonable opportunity to respond.

(2) Within twenty-one days after the service of the notice to respondent, respondent may file a written response admitting or denying the allegations with the commission (~~inves-~~

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~~investigative officer~~). Respondent shall personally review and sign any response. The proceedings will not be delayed if there is no response or an insufficient response.

(3) After considering the response, if any, the commission shall order the filing of a statement of charges if it determines that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity. (~~If the commission determines that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity, it shall order the filing of a statement of charges.~~)

(4) (~~Disposition a~~)After initial proceedings, the (~~The~~) commission shall:

(A) Dismiss the case;

(B) Stay the proceedings; or

(C) Find that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity that seriously interferes with the performance of judicial duties and is permanent or likely to become permanent. Upon such a finding of probable cause, the commission shall identify the records of the initial proceedings that are the basis for the finding and order the service and filing of a statement of charges. The commission shall also identify those materials and information within the commission's knowledge which tend to negate the determination of the commission.

(5) If the commission determines that there are insufficient grounds for further commission proceedings, the respondent and the person making the complaint will be so notified.

(e) **Notice of complaint to respondent.** With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the person making the complaint. Disclosure shall be discretionary with the commission.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

RULE 28 REINSTATEMENT OF ELIGIBILITY.

(~~A respondent~~) An individual, whose eligibility for judicial office had been removed by the supreme court, or by resignation and order of closure in a proceeding before the commission, may file with the commission a petition for reinstatement of eligibility. The petition shall set forth the (~~age~~) residence and mailing address of the petitioner, the date of removal by the supreme court, or resignation and order of closure in the proceeding before the commission and a concise statement of facts claimed to justify reinstatement. The petition shall be a public document.

The commission may refer the petition to the investigative officer for investigation of the character and fitness of the (~~respondent~~) petitioner to be eligible for holding judicial office. The investigative officer may seek and consider any information from any source that may relate to the issues of character and fitness or the reinstatement.

(~~Respondent~~) Petitioner shall make an affirmative showing by clear, cogent, and convincing evidence, that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest.

The commission will recommend to the supreme court in writing that the (~~respondent~~) petitioner should or should not be reinstated to eligibility to hold judicial office as provided by these rules and the *Discipline Rules for Judges*. The commission will provide a copy of the recommendation to (~~respondent or respondent's~~) petitioner or petitioner's lawyer.

The (~~respondent~~) petitioner shall be responsible, and shall make adequate provision, for payment of all costs and reasonable attorneys' fees in these proceedings (~~as~~) in a manner determined by the commission. Failure to pay the amount assessed shall be grounds to dismiss the petition.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-01-037
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 7, 1999, 1:47 a.m., effective January 8, 2000]

Date of Adoption: December 7, 1999.

Purpose: Criteria for medical coverage decisions, the purpose of this rule is to make clear the objective methods and the variety of information sources the department uses to make medical coverage decisions.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

Adopted under notice filed as WSR 99-13-202 on June 23, 1999.

Changes Other than Editing from Proposed to Adopted Version: Added a reference to the osteopathic representative on the medical advisory committee; clarified citations to federal laws; and added "investigational" and deleted "unusual" to the list of health care services that are referred to as non-covered. This change was made to be consistent with other sections of the proposed rule and to be consistent with existing rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 0, Repealed 0.

Effective Date of Rule: January 8, 2000.

December 7, 1999

Gary Moore

Director

NEW SECTION

WAC 296-20-02700 What is a medical coverage decision? A medical coverage decision is a general policy decision by the director or the director's designee to include or exclude a specific health care service or supply as a covered benefit. These decisions are made to insure quality of care and prompt treatment of workers. Medical coverage decisions include, but are not limited to, decisions on health care services and supplies rendered for the purpose of diagnosis, treatment or prognosis, such as:

- Ancillary services including, but not limited to, home health care services, ambulatory services, specific rehabilitative modalities;

- Devices;
- Diagnostic tests;
- Drugs, biologics, and other therapeutic modalities;
- Durable medical equipment;
- Procedures;
- Prognostic tests; and
- Supplies.

NEW SECTION

WAC 296-20-02701 Who makes medical coverage decisions? The director or the director's designee makes medical coverage decisions.

NEW SECTION

WAC 296-20-02702 Who uses medical coverage decisions? Self-insured employers and state fund claim managers use medical coverage decisions to help them make claim-specific decisions. For example, the director or director's designee may find that a particular medical device is effective in treating a specific category of injuries. The medical coverage decision might be that that device is a covered benefit for that category of injuries. The self-insured employer or state fund claim manager would make a claim-specific decision to pay or deny payment for that device based on a number of factors, one of which is whether the accepted condition on that claim matches the approved category of injuries in the medical coverage decision.

NEW SECTION

WAC 296-20-02703 How can I determine if a specific health care service or supply is the subject of a medical coverage decision? (1) The *Medical Aid Rules*, fee schedules, and provider bulletins and updates specify covered and noncovered services and supplies.

(2) For additional information on existing medical coverage decisions or if you have a question about a new and emerging technology, device, or off-label use of a drug, contact the office of the medical director at:

Department of Labor and Industries
Office of the Medical Director
P.O. Box 44321
Olympia, WA 98504-4321

(3) For questions about what will be authorized on a specific claim, contact the self-insured employer or state fund claim manager.

NEW SECTION

WAC 296-20-02704 What criteria does the director or director's designee use to make medical coverage decisions? (1) In making medical coverage decisions, the director or the director's designee considers information from a variety of sources. These sources include, but are not limited to:

- Scientific evidence;
- National and community-based opinions;
- Informal syntheses of provider opinion;
- Experience of the department and other entities;
- Regulatory status.

Because of the unique nature of each health care service, the type, quantity and quality of the information available for review may vary. The director or director's designee weighs the quality of the available evidence in making medical coverage decisions.

(2) Scientific evidence.

(a) "Scientific evidence" includes reports and studies published in peer-reviewed scientific and clinical literature. The director or the director's designee will consider the nature and quality of the study, its methodology and rigorosity of design, as well as the quality of the journal in which the study was published.

- For treatment services, studies addressing safety, efficacy, and effectiveness of the treatment or procedure for its intended use will be considered.

- For diagnostic devices or procedures, studies addressing safety, technical capacity, accuracy or utility of the device or procedure for its intended use will be considered.

(b) The greatest weight will be given to the most rigorously designed studies and on those well-designed studies that are reproducible. The strength of the design will depend on such scientifically accepted methodological principles as randomization, blinding, appropriateness of outcomes, spectrum of cases and controls, appropriate power to detect differences, magnitude and significance of effect. Additional consideration will be given to those studies that focus on sustained health and functional outcomes of workers with occupational conditions rather than unsustained clinical improvements.

(3) National and community-based opinion.

(a) "National opinion" includes, but is not limited to, syntheses of clinical issues that may take the form of published reports in the scientific literature, national consensus documents, formalized documents addressing standards of

practice, practice parameters from professional societies or commissions, and technology assessments produced by independent evidence-based practice centers.

The director or the director's designee will consider the nature and quality of the process used to reach consensus or produce the synthesis of expert opinion. This consideration will include, but may not be limited to, the qualifications of participants, potential biases of sponsoring organizations, the inclusion of graded scientific information in the deliberations, the explicit nature of the document, and the processes used for broader review.

(b) "Community-based opinion" refers to advice and recommendations of formal committees made up of clinical providers within the state of Washington. As appropriate to the subject matter, this may include recommendations from the department's formal advisory committees:

- The industrial insurance and rehabilitation committee of the Washington State Medical Association, which includes a representative from the Washington Osteopathic Medical Association;

- The chiropractic advisory committee.

(4) "Informal syntheses of provider opinion" includes, but is not limited to, professional opinion surveys.

(5) Experience of the department and other entities.

The director or director's designee may consider data from a variety of sources including the department, other state agencies, federal agencies and other insurers regarding studies, experience and practice with past coverage. Examples of these include, but are not limited to, formal outcome studies, cost-benefit analyses, and adverse event, morbidity or mortality data.

(6) Regulatory status.

The director or director's designee will consider related licensing and approval processes of other state and federal regulatory agencies. This includes, but is not limited to:

- The federal food and drug administration's (FDA) regulation of drugs and medical devices (21 U.S.C. 301 et seq. and 21 CFR Chapter 1, Subchapters C, D, & H consistent with the purposes of this chapter, and as now or hereafter amended); and

- The Washington state department of health's regulation of scope of practice and standards of practice for licensed health care professionals regulated under Title 18 RCW.

NEW SECTION

WAC 296-20-02705 What are treatment and diagnostic guidelines and how are they related to medical coverage decisions? (1) Treatment and diagnostic guidelines are recommendations for the diagnosis or treatment of accepted conditions. These guidelines are intended to guide providers through the range of the many treatment or diagnostic options available for a particular medical condition. Treatment and diagnostic guidelines are a combination of the best available scientific evidence and a consensus of expert opinion.

(2) The department may develop treatment or diagnostic guidelines to improve outcomes for workers receiving covered health services. As appropriate to the subject matter, the

department may develop these guidelines in collaboration with the department's formal advisory committees:

- The industrial insurance and rehabilitation committee of the Washington State Medical Association, which includes a representative from the Washington Osteopathic Medical Association;

- The chiropractic advisory committee.

(3) In the process of implementing these guidelines, the department may find it necessary to make a formal medical coverage decision on one or more of the treatment or diagnostic options. The department, not the advisory committees, is responsible for implementing treatment guidelines and for making coverage decisions that result from such implementation.

NEW SECTION

WAC 296-20-02850 When may the department cover controversial, obsolete, investigational or experimental treatment? (1) The department or self-insurer will not authorize nor pay for treatment measures of a controversial, obsolete, investigational or experimental nature. (See WAC 296-20-03002.) Under certain conditions, the director or the director's designee may determine that such treatment is appropriate. In making such a decision, the director or director's designee will consider factors including, but not limited to, the following:

(a) Scientific studies investigating the safety and efficacy of the treatment are incomplete, or if completed, have conflicting conclusions, and:

- Preliminary data indicate the treatment or diagnostic procedure or device has improved net health and functional outcomes; and

- No alternative treatment or diagnostic is available; or

(b) The treatment or diagnostic procedure or device is prescribed as part of:

- A controlled, clinical trial that has been reviewed and approved by an institutional review board that was established in accordance with the federal Department of Health and Human Services (DHHS) regulations (45 CFR Part 46 consistent with the purposes of this chapter, and as now or hereafter amended); and

- For medical devices not yet cleared for marketing, the clinical evaluation has an approved investigational device exemption (IDE) in accordance with the federal Food and Drug Administration (FDA) regulations (21 CFR Parts 50, 56, and 812 consistent with the purposes of this chapter, and as now or hereafter amended); and

- For drugs not yet cleared for marketing, the clinical evaluation has been approved in accordance with the federal Food and Drug Administration (FDA) regulations (21 CFR Part 312 consistent with the purposes of this chapter, and as now or hereafter amended); or

(c) The usually indicated procedure or diagnostic test would likely be harmful for the patient because of other unrelated conditions.

(2) The health care provider must submit a written request and obtain approval from the department or self-insurer, prior to using a controversial, obsolete, investi-

gational, or experimental treatment. The written requests must contain a description of the treatment, the reason for the request, potential risks and expected benefits, length of care and estimated cost of treatment.

WSR 00-01-038
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 7, 1999, 1:51 p.m., effective February 1, 2000]

Date of Adoption: December 7, 1999.

Purpose: Standards updates for first-aid, chapters 296-36, 296-59, 296-78, 296-155, and 296-301 WAC.

On March 2, 1998, first-aid rules were adopted in chapter 296-24 WAC. Those rules provided employers with greater flexibility in meeting first-aid requirements as performance-based rather than specification-based rules. This new rule is necessary to make the first-aid requirements in the industry-specific standards relating to first-aid consistent with the previously adopted general industry requirements in chapter 296-24 WAC. These changes add references to chapter 296-24 WAC in the industry-specific standards, or ensure that the industry-specific requirements are consistent with the general requirements in chapter 296-24 WAC. There are no new requirements.

Existing WAC Sections Proposed to be Repealed

WAC 296-59-040 First-aid kits and supplies, this section is repealed and will not be replaced by a new section. Adopted amendments to WAC 296-59-035 make it redundant.

WAC 296-78-555 First-aid room, this section is repealed and will not be replaced by a new section. First-aid rooms are no longer required in the general safety and health standards.

WAC 296-155-135 First-aid room, this section is repealed and will not be replaced by a new section. First-aid rooms are no longer required in the general safety and health standards.

Existing WAC Sections Amended

Chapter 296-36 WAC, Compressed air work.

WAC 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision, state-initiated amendments are made to:

- Clarify language.
- Add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-59 WAC, Safety standards for ski area facilities and operations.

WAC 296-59-035 First-aid, state-initiated amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations.

WAC 296-78-540 First-aid training and certification, state-initiated amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-78-545 First-aid supplies, state-initiated amendments are made to remove outdated language relating to WAC 296-24-070 and to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-78-550 First-aid station, state-initiated amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Chapter 296-155 WAC, Safety standards for construction work.

WAC 296-155-120 First-aid training and certification, state-initiated amendments are made to:

- Clarify language.
- Add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

WAC 296-155-125 First-aid supplies, state-initiated amendments are made to:

- Add a reference to the first-aid supply requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.
- Clarify the requirement that vehicles used for transporting work crews must have first-aid supplies.
- Clarify that, if practical, a poster with phone numbers of emergency medical responders will be maintained in each first-aid kit and at or near all phones.
- Clarify that requirements of WAC 296-62-130 Emergency washing facilities, apply within the scope of chapter 296-155 WAC.
- Clarify and renumber subsections.
- Delete specific requirements for having wool blankets and a stretcher in addition to first-aid kits.

WAC 296-155-130 First-aid station, state-initiated amendments are made to:

- Add a reference to the first-aid station requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.
- Delete specific requirements for having wool blankets and a stretcher in addition to first-aid kits.

Chapter 296-301 WAC, Safety standards for the textile industry.

WAC 296-301-215 First aid, state-initiated amendments are made to add a reference to the first-aid requirements located in chapter 296-24 WAC, General safety and health standards, Part A-1.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision, 296-59-035 First-aid, 296-78-540 First-aid training and certification, 296-78-545 First-aid supplies, 296-78-550 First-aid station, 296-155-120 First-aid training and certification, 296-155-125 First-aid supplies, 296-155-130 First-aid station and 296-

PERMANENT

301-215 First aid; and repealing WAC 296-78-555 First-aid room, 296-155-135 First-aid room, and 296-59-040 First-aid kits and supplies.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 99-15-086 on July 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to WAC 296-155-120 first-aid certification in order to clarify the requirement that there must be a first-aid trained person on all worksites where one or more employees are present. Also, subsection (3) and the note in this section was clarified to explain that all crew leaders, supervisors or persons in direct charge of one or more employees must have a valid first-aid certificate.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 9, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 9, Repealed 3.

Effective Date of Rule: February 1, 2000.

December 7, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-120 First-aid training and certification. This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) The first-aid training requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-155 WAC.

(2) Each employer ~~((shall))~~ **must** have available at all worksites, ~~((at all times))~~ **where a crew is present**, a person or persons holding a valid ~~((certificate of))~~ first-aid ~~((training from the department of labor and industries or other organization, association or agency that has been approved by the department))~~ **certificate.**

~~((a))~~ **A valid first-aid certificate is one which is less than three years old.**

~~((b))~~ **(3) All crew leaders, supervisors or persons in direct charge of ~~((crews shall))~~ one or more employees must have a valid first-aid certificate.**

~~((e))~~ **(4) For the purposes of this section, a crew ~~((shall))~~ means a group of two or more employees working at any worksite.**

Note: The requirement that all crew leaders, supervisors or person in direct charge of one or more employees (subsection (3) of this section) applies even if other first-aid trained person(s) are available. In emergencies, crew leaders will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another crew leaders in the immediate work area has the necessary certificate.

~~((2))~~ **Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:**

Bleeding control and bandaging:

Cardio-pulmonary resuscitation "C.P.R.:"

Poisons:

Shock, unconsciousness, stroke:

Burns, scalds:

Sunstroke, heat exhaustion:

Frostbite, freezing, hypothermia:

Strains, sprains, hernias:

Fractures, dislocation:

Proper transportation of the injured:

Bites, stings:))

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-125 First-aid ~~((kit))~~ supplies. (1) ~~((All employers who employ men and women covered by the act shall furnish first-aid kits as required by the department of labor and industries, (RCW 51.36.030).~~

~~((2))~~ **First-aid supplies shall be readily accessible when required by this section:**

~~((3))~~ **In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package weather proof first-aid kit.**

~~((4))~~ **All crew vehicles used for transporting workers shall be equipped with not less than a ten package weather proof first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a**

16-, 24-, or 36 package kit depending upon the number of personnel normally being transported.

~~((5))~~ **At least one weather proof first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs:**

~~((6))~~ **The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:**

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
1 - 50 persons	First-aid kit
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200	First-aid station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 persons	First-aid room

Refer to
WAC 296-24-070

(7) Employers shall establish a procedure to ensure that first-aid kits and required contents are maintained in a serviceable condition.

(8) First-aid kits shall contain at least the following items, in a weatherproof container with individual sealed packages for each type of item:

10 package kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 package kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 package kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)

- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 package kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physicians choice**

* Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

** First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department shall be contacted for recommended items to complete the kit.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating worksite address or location; the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

Note: Preprinted Form No. FSPO 900-001-1 is available from all department offices. First-aid kit Form No. FSPI 005-000 is also available.

(10) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(11) When required by the department, two wool blankets or two fire retardant blankets, capable of supporting 250 pounds each, and a stretcher shall be available in addition to first-aid kits.) The first-aid kits and supplies requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-155 WAC.

(2) All vehicles used to transport work crews must be equipped with first-aid supplies.

(3) When practical, a poster must be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating the worksite address or location, and the phone numbers of emergency medical responders for the worksite.

(4) Requirements of WAC 296-62-130, Emergency washing facilities, apply within the scope of chapter 296-155 WAC.

AMENDATORY SECTION (Amending Order 86-14; filed 1/21/86)

WAC 296-155-130 First-aid station. (((1) First-aid stations shall be well marked and located as close as practical to the highest concentration of employees.

~~(2) One person holding a valid first aid certificate shall be responsible for the proper use and maintenance of the first aid station.~~

~~(3) First aid stations shall be equipped with a minimum of two first aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first aid kit may be a permanent wall mounted kit, but in all cases the station shall be equipped with at least one portable first aid kit.~~

~~(4) The first aid station shall be equipped with two wool blankets, or two fire retardent blankets capable of supporting 250 pounds each, and a stretcher in addition to first aid kits.~~

~~(5) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first aid station.))~~
Employers with fifty or more employees per shift at one location must establish a first-aid station in accordance with the requirements in chapter 296-24 WAC, Part A-1.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-135 First-aid room.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-36-210 Medical supervision and medical and first-aid facilities—Medical supervision. (1) **Appointed physician.** Where workmen are employed in compressed air, their employer shall make arrangements for their medical supervision by one or more licensed physicians trained in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. The employer shall arrange for medical examination of all workmen employed in compressed air at a suitable place or places by the appointed physician in accordance with these regulations. The appointed physician or physicians shall be immediately available in case of emergency or accident. Each appointed physician shall be physically qualified to subject himself to a compressed air environment.

(2) **Appointed physician's duties and responsibilities.**

(a) **General.** All matters on the job pertaining to the health of employees, treatment on the job of illness and injuries, special first-aid and nursing personnel or assistants, lock attendants, and medical and first-aid equipment shall be under the supervision of the appointed physician.

(b) He shall make all required physical examinations.

(c) He shall make and sign all required reports of such examinations using the forms provided by the department of labor and industries.

(d) He shall make at least one inspection on the job every day of all treatment records and the required decompression record and he shall inspect or inquire into conditions which may constitute a potential hazard to the health of any employee.

(3) **Certified medical attendant.** There shall be on every job a certified medical attendant trained to the satisfac-

tion of the appointed physician in administering first aid on compressed air jobs, and who shall be in attendance in the first-aid room while work in compressed air is going on and at such other times as the physician may direct. The medical attendant shall be in personal charge of the administration of first aid and such other duties as physician may direct. Under no circumstances shall female medical attendants be subjected to a compressed air environment.

(4) **First-aid personnel.**

(a) The superintendent and every foreman and at least one additional designated person on each shift below ground shall be trained to the satisfaction of the appointed physician in administering first aid.

(b) Where more than 10 but less than 50 men are employed per shift underground, there shall be at least 2 such additional designated trained persons on the job and available on call.

(c) Where more than 50 men are employed per shift underground, the designated trained personnel shall include all shift bosses and time keepers in addition to those required in subsection (b) above.

(d) All designated first-aid personnel ~~((shall))~~ must have in their possession current first-aid certificates ~~((acceptable to the department of labor and industries))~~ that meet certificate requirements stated in chapter 296-24 WAC, Part A-1.

(5) **First-aid meetings.** All designated first-aid personnel shall meet at least once in each 3 months or oftener if directed by the physician for further first-aid instruction by the physician.

(6) **First-aid room and equipment.** The employer ~~((shall))~~ must provide a first-aid room properly heated and maintained within 100 yards of the principal entrance to the underground work. It ~~((shall))~~ must be equipped with a first-aid kit, medical supplies and equipment consisting of not less than the minimum requirements listed in chapter ~~((296-155 WAC, Part B-1))~~ 296-24 WAC, Part A-1.

(7) **First-aid equipment underground.** All the equipment and supplies which the appointed physician may deem necessary for first-aid underground shall be provided and maintained readily available in a suitable cabinet or cabinets. A list of the contents signed by the appointed physician shall be permanently attached to the inside of the cabinet door or cover. The cabinet shall be plainly marked with a red cross and the words "first aid."

In caissons, one such cabinet shall be conveniently located in the working chamber.

In tunnels where a bulkhead is installed, one such cabinet shall be located on each side of the bulkhead near the entrance to the man lock.

In tunnels having no bulkhead, one such cabinet shall be located within 100 yards of the working face.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-035 First-aid ((training and certification)). ~~((The "first-aid training and certification" requirements of the general safety and health standards, WAC 296-24-060, shall be applicable within the scope of chapter 296-~~

~~59 WAC:)) The first-aid provisions of chapter 296-24 WAC, Part A-1 of the general safety and health standards apply within the scope of chapter 296-59 WAC.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-59-040 First-aid kits and supplies.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-540 First-aid training and certification.

~~((The purpose of this section is to assure that all employees of this state can be afforded quick, and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person:~~

~~(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification:~~

~~(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training. (A valid first-aid certificate is one which is less than three years old.)~~

~~(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:~~

~~(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. Provided, That if the duties or work of the foreman, supervisor or person in direct charge of a crew, is absent from the crew, another person holding a valid first-aid certificate shall be present. For the purpose of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place (such as occurs in construction, logging, etc.). In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.~~

~~(b) In fixed establishments, all foremen, supervisors, or persons in direct charge if a group or groups of employees shall have a valid first-aid certificate. Provided, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the groups. Foremen, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.~~

~~(c) In fixed establishments organized into distinct departments or equivalent organizational units such as~~

~~department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.~~

~~(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate. A plan for combining a number of small businesses, etc., into such a group shall be submitted to the division of industrial safety and health, safety education section, for approval. That section is also available to assist employers who wish to develop such a plan. Criteria for approval by the division shall include:~~

~~(i) The businesses within the group must not be widely dispersed;~~

~~(ii) The name(s) of the person or persons holding the first-aid certificate, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;~~

~~(iii) First-aid kits shall be available and maintained as required by WAC 296-24-065.~~

~~(e) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:~~

~~Bleeding control and bandaging.~~

~~Practical methods of artificial respiration including mouth to mouth to nose resuscitation.~~

~~Closed chest heart massage.~~

~~Poisons.~~

~~Shock, unconsciousness, stroke.~~

~~Burns, scalds.~~

~~Sunstroke, heat exhaustion.~~

~~Frostbite, freezing, hypothermia.~~

~~Strains, sprains, hernias.~~

~~Fractures, dislocations.~~

~~Proper transportation of the injured.~~

~~Bites, stings.~~

~~Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.~~

~~(4) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries, either directly or through a program with the community colleges or vocational education.~~

~~(5) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section: Provided~~

~~(a) They can submit written evidence to the department upon request, that the worksite of their employees is within a two minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants.~~

(b) There is a back-up aid car, medic unit or established ambulance service within the two minute response time; or that a first-aid-trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad tracks, etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two-minute time frame.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.

(e) The above services are available or exist at all times when more than one employee is on the worksite.

Note: A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices.)

The employer must ensure that first-aid trained personnel are available to help employees who are injured or who become acutely ill on the job. The employer must meet this requirement by maintaining first-aid trained staff on the job site. The employer must ensure that:

(1) Each person in charge of employees has first-aid training; or another person with first-aid training is present or available to the employees. Such training must be successfully completed every two years as required in chapter 296-24 WAC, Part A-1;

(2) Documentation of first-aid training is kept as required in chapter 296-24 WAC, Part A-1;

(3) Emergency telephone numbers are adequately posted;

(4) First-aid training includes the core elements contained in chapter 296-24 WAC, Part A-1.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-545 First-aid ((kit)) supplies. (((1) All employers who employ men and women covered by the Industrial Safety and Health Act shall furnish first aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).

(2) First aid supplies shall be readily accessible when required.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package first-aid kit.

(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16, 24, or 36 package kit depending upon the number of personnel normally being transported.

(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1- 50 persons	First Aid Kit
1- 5	10 package kit
6- 15	16 package kit
16- 30	24 package kit
31- 50	36 package kit
51- 200 persons	First Aid Station
51- 75	One 36 and one 10 package kit
76- 100	One 36 and one 16 package kit
101- 150	One 36 and one 24 package kit
151- 200	Two 36 package kits
Over 200 persons	First Aid Room Refer to WAC 296 24 070

(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a serviceable condition.

(7) First-aid kits shall contain at least the following items:

10 Package Kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 Package Kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 Package Kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 Package Kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)

PERMANENT

- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice**

- * Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.
- ** First aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

(8) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first aid kit and at or near all phones plainly stating, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

(10) When required by the department, in addition to the first aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed one-half mile) the following items:

- 1 set of arm and leg splints.
- 2 all wool blankets or blankets equal in strength and fire resistant (properly protected and marked).
- 1 stretcher.)

The first-aid kits and supplies requirements of the general safety and health standards, chapter 296-24 WAC, Part A-1 apply within the scope of chapter 296-78 WAC.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-550. First-aid station. ((1) First-aid stations shall be located as close as practicable to the highest concentration of personnel.

(2) First-aid stations shall be well marked and available to personnel during all working hours.

(3) One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.

(4) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.

(5) When required by the department, the station shall be equipped with two wool blankets and a stretcher in addition to first-aid kits.

(6) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.)) Employers with fifty or more employees per shift at one loca-

tion must establish a first-aid station in accordance with the requirements in chapter 296-24 WAC, Part A-1.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-78-555 First-aid room.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-215 First aid. The first-aid provisions of ((WAC 296-24-015 through 296-24-070;)) chapter 296-24 WAC, Part A-1 of the general safety and health standards, ((shall)) apply ((to the textile industry)) within the scope of chapter 296-301 WAC.

WSR 00-01-039

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 7, 1999, 1:53 p.m., effective January 8, 2000]

Date of Adoption: December 7, 1999.

Purpose: WAC 296-20-01002 Definitions—Proper and necessary, the purpose of this amended rule is to describe more clearly the treatment the department and self-insurers will pay for under the Industrial Insurance Act.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-01002 Definitions.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

Adopted under notice filed as WSR 99-19-163 on September 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: "Proper and necessary" (2)(a), deleted "training" to be consistent with current law and in response to comments to the proposed rule; (4) added "investigational" to be consistent with current law; other changes made for clarity.

WAC Amended: WAC 296-20-01002 Definitions.

Reasons for Adopting the Rule Change: This rule change describes more clearly the treatment limitations that already exist under the Industrial Insurance Act, Title 51 RCW.

Summary of Comments Received, Department Responses, and Changes to the Rule: Definition of "proper and necessary."

Comment: What is Title 51 RCW?

Response: Title 51 RCW is the collection of laws that establish and specify the details of the workers compensation system in the state of Washington. It is also called the Industrial Insurance Act. To make this easier to understand, we changed the reference to these laws to the "Industrial Insurance Act." See change below.

Comment: The term "training" may be overly broad allowing providers to render services based upon training as opposed to proper license and certification conferred by a peer group.

Response: "Training" was deleted in response to this comment and to be consistent with current law. See change below.

Comment: The definition of "rehabilitative" should be eliminated, as this word is not found in statute.

Response: This suggestion was not incorporated into the final rule. The description of curative and rehabilitative care reflects current statutory and case law.

Comment: "Ameliorate" is confusing.

Response: Thanks for the suggestion, we agree. See the change below.

Comment: Treatment is not necessarily concluded when a worker is fixed and stable. It only means payment stops on the claim.

Response: Thanks for the suggestion, we agree. Change made for clarity. See below.

Comment: The "fixed and stable" criterion for closing claims is not appropriate. I may be stable, but I am not fixed.

Response: This confusion over use of the terms "fixed and stable" is one reason why the department included the term "maximum medical improvement" in the proposed definition of "proper and necessary." "Maximum medical improvement" is a term that is more easily understood by physicians that treat workers. No further change is necessary.

Comment: The rules should allow for treatment on an ongoing basis. Medications are not palliative when they allow the person to stay employed, stay off of state assistance, and improve quality of life with their family.

Response: This suggestion has not been incorporated into the final rules. The industrial insurance laws allow the department to pay for medical treatment only until the accepted condition becomes fixed and stable. This means that maintenance treatment, treatment solely to relieve symptoms or discomfort, and treatment on closed claims are not payable. Any change on this issue would have to be made at the level of the RCWs and come from the legislature.

Comment: "Investigational" was in the original definition of "medically necessary." Why was it left out in "proper and necessary?"

Response: Thanks for the comment. "Investigational" was mistakenly left out. To be consistent with federal regulatory practices for devices and drugs and with current department rules, this term was added back in. See below.

Change to the Proposed Rule: (The language that is underlined in the "Changes to the Proposed Rule" portion of this document indicate additions to the proposed rule based on public comment.)

"Proper and necessary."

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services under Title 51 RCW which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license, or certification ~~and training~~;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or ~~ameliorate~~ lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition. ~~and~~

(3)(e) ~~Concluded~~ The department or self-insurer stops payment for health care services once a worker ~~has reached~~ reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4)(3) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 8, 2000.

December 7, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 95-16-031, filed 7/21/95, effective 8/22/95)

WAC 296-20-01002 Definitions. (~~Termination of treatment~~: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

~~Unusual or unlisted procedure~~: Value of unlisted services or procedures should be substantiated "by report" (BR).

~~"By report"~~: BR (by report) in the value column of the fee schedule indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedule;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

~~"Independent or separate procedure"~~: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

~~Chart notes~~: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X-rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

~~Attending doctor report~~: This type of report may also be referred to as a "60-day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed:

- (1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.
- (2) Their relationship, if any, to the industrial injury or exposure.
- (3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

~~Consultation examination report~~: The following information must be included in this type of report. Additional information may be requested by the department as needed:

- (1) A detailed history to establish:
 - (a) The type and severity of the industrial injury or occupational disease.
 - (b) The patient's previous physical and mental health.
 - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam:

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable x-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to the following:

(a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent of allowed charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline

price" is a drug pricing mechanism developed and updated by First Data Bank.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Total temporary disability: Full time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary.

All time loss compensation must be certified by the attending doctor based on objective findings.

Permanent partial disability: Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of

extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. ~~Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.~~

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative

treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Authorization: Notification by a qualified representative of the department or self-insurer that specific medically necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Medically necessary: Those health services are medically necessary which, in the opinion of the director or his or her designee, are:

- (a) Proper and necessary for the diagnosis and curative or rehabilitative treatment of an accepted condition; and
- (b) Reflective of accepted standards of good practice within the scope of the provider's license or certification; and
- (c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and
- (d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered medically necessary. Services which are controversial, obsolete, experimental, or investigational are presumed not to be medically necessary, and shall be authorized only as provided in WAC 296-20-03002(6).

Utilization review: The assessment of a claimant's medical care to assure that it is medically necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

Emergency hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Nonemergency (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Attendant care: Those personal care services that assist a worker with dressing, feeding, and personal hygiene to facilitate self care and are provided in order to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by but are not limited to, registered nurses, licensed practical nurses, registered nursing assistants, and other individuals such as family members.

Home nursing: Those nursing services that are medically necessary to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by but

are not limited to, home health care, and hospice agencies on either an hourly or intermittent basis.) **Acceptance, accepted condition:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Attendant care: Those personal care services that assist a worker with dressing, feeding, and personal hygiene to facilitate self-care and are provided in order to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by, but are not limited to, registered nurses, licensed practical nurses, registered nursing assistants, and other individuals such as family members.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an indus-

try benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;

(5) Estimated follow-up;

(6) Operative time;

(7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

(1) Date(s) of service;

(2) Patient's name and date of birth;

(3) Claim number;

(4) Name and title of the person performing the service;

(5) Chief complaint or reason for each visit;

(6) Pertinent medical history;

(7) Pertinent findings on examination;

(8) Medications and/or equipment/supplies prescribed or provided;

(9) Description of treatment (when applicable);

(10) Recommendations for additional treatments, procedures, or consultations;

(11) X-rays, tests, and results; and

(12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

(1) A detailed history to establish:

(a) The type and severity of the industrial injury or occupational disease.

(b) The patient's previous physical and mental health.

(c) Any social and emotional factors which may effect recovery.

(2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or expo-

sure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by, but are not limited to, home health care, and hospice agencies on either an hourly or intermittent basis.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limita-

tions and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Permanent partial disability: Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. **Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.**

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the pres-

ence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the

attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

WSR 00-01-040
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 7, 1999, 1:54 p.m., effective January 20, 2000]

Date of Adoption: December 7, 1999.

Purpose: Drugs and medication, chapter 296-20 WAC, the purpose of this rule is to clearly describe which drugs are a covered benefit on claims for injured and ill workers and victims of crime.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-20-03003; and amending WAC 296-20-030.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

Adopted under notice filed as WSR 99-19-164 on September 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to nine of the WAC sections for clarification and/or in response to comments received at the public hearing.

WAC Created: WAC 296-20-03010 through 296-20-03024, Drug coverage rules.

WAC Amended: WAC 296-20-030 Treatment not requiring authorization for accepted conditions.

WAC Repealed: WAC 296-20-03003 Drugs and medication.

Reasons for Adopting the Rule Change: Generally, medical coverage decisions do not constitute a "rule" as used in RCW 34.05.010(16), nor are such decisions subject to the rule-making provisions of chapter 34.05 RCW. RCW 51.04.030(1). However, the department chose to rewrite the drug coverage rules for two main reasons:

(1) The revisions to the drug coverage rules are clearer and easier to understand. This satisfies the requirements of Executive Order No. 97-02.

(2) Portions of the language in current WAC 296-20-03003 had become obsolete and/or out of sync with current prescribing practices. For example, the prescribing practices for the use of opioids to treat chronic pain have changed. The revisions reflect current medical standards and the limitations concerning what the insurer may pay for under the Industrial Insurance Act, Title 51 RCW. See RCW 51.36.010; 51.36.100; 51.04.020; the *Department of Health Guidelines for Management of Pain*; and, the *Guidelines for Outpatient Prescription of Oral Opioids for Injured Workers with Chronic, Non-Cancer Pain*, developed by the department in conjunction with Washington State Medical Association Industrial Insurance and Rehabilitation Committee.

Summary of Comments Received, Department Responses, and Changes to the Rule: The language that is underlined in the "Changes to the Proposed Rule" portion of this document indicate revisions to the proposed rule based on public comment. Editing changes to the proposed rules are not listed below.

General Comments

Comment: The proposed rules on opioids for the treatment of chronic, noncancer pain are overly burdensome and will only create new hurdles for physicians that treat chronic pain.

Response: See specific changes and comments in WAC 296-20-03020 and 296-20-03021.

WAC 296-20-030 Treatment not requiring authorization for accepted conditions.

Comment: Specific procedures (e.g. iontophoresis) should not be listed in this WAC because the language will become out-of-date.

Response: This particular WAC was not reviewed in its entirety. At this time, we only focused on deleting the language on drug coverage issues to prevent duplication on those issues that are in the new WAC sections. The rest of this WAC, including the statement on iontophoresis will be reviewed for possible amendment in the next 1-2 years.

WAC 296-20-03010 What are the general principles the department uses to determine coverage on drugs and medications?

Comment: The department should change the language to say it covers all FDA approved drugs and devices for stated indications.

Response: The suggested change was not made. There are some drugs used only for conditions that are not industrial injuries or illnesses. In addition, since these new WACs focus only on drugs, we did not add "devices" as requested.

WAC 296-20-03011 What general limitations are in place for medications?

Comment: Opioids should be a covered treatment on pension cases.

Response: The suggested change was not made. There is a statutory restriction that says the department can not pay for schedule I-IV substances used to alleviate continuing pain on pension cases (RCW 51.36.010).

WAC 296-20-03012 Where can I find the department's outpatient drug and medication coverage decisions?

Comment: Non-FDA approved drugs should be listed under the denied category.

Response: The suggested change was not made. Within this country, that is a good suggestion. However, we have injured workers that move outside of this country. There are times that their physicians will prescribe drugs which are similar to FDA-approved drugs but have not been approved by the FDA since they are not marketed in this country.

WAC 296-20-03014 Which drugs have specific limitations?

(1) Injectables

Comment: If the doctor feels that an injectable medication is what the patient needs, DLI should cover it.

Response: The suggested change was not made. Injectable drugs enter the system much more rapidly than those that are taken orally in pill form. For this reason, the department is concerned about the increased possibility of immediate adverse reactions and the increased potential for drug dependency.

Comment: If a physician determines it is necessary to admit an injured worker to a hospital solely for the administration of drugs for relief of chronic pain, this should be covered, whether oral or injectable.

Response: We added the following change to the proposed rule in response to this and similar comments and to be consistent with current law.

Change to the Proposed Rule: (1) Injectables. Prescriptions for injectable ~~narcotics~~ opioids or other analgesics, sedatives, ~~analgesics~~, antihistamines, tranquilizers, psychotropics, vitamins, minerals, food supplements, and hormones are not covered.

Exceptions: The department or self-insurer covers injectable medications under the following circumstances.

- (a) Indicated injectable drugs for the following:
- Inpatients ~~except when hospital admission is solely for administration of drugs for relief of chronic pain~~; or
 - During emergency treatment of a life-threatening condition/injury; or
 - During outpatient treatment of severe soft tissue injuries, burns or fractures when needed for dressing or cast changes; or
 - During the perioperative period and the postoperative period, not to exceed forty-eight hours from the time of discharge.

(b) Prescriptions of injectable insulin, heparin, anti-migraine medications, or impotency treatment, when proper and necessary.

(2) Noninjectables

Comment: Patches should be covered.

Response: This section pertains to drugs that are administered in some form other than pills or injections (e.g. nasal sprays, patches). The department's concerns are similar to

those stated for injectables. The language is written in such a way to allow for alternative routes of administration if the drug does not enter the system as quickly as injectables. This language will allow the department to look at each drug/route of administration on a case by case basis.

(3) Sedative-hypnotics

Comment: The exception for anti-seizure medications is inaccurate and should not be here.

Response: Change made.

Change to the Proposed Rule: (3) Sedative-hypnotics. During the chronic stage of an industrial injury or occupational disease, payment for scheduled sedatives and hypnotics will not be authorized.

~~Exception: Anti-seizure medications.~~

WAC 296-20-03015 What steps may the insurer take when concerned about the amount or appropriateness of drugs and medications prescribed to the injured worker?

Comment: In requesting that the attending physician consider reducing the prescription and provide chemical dependency programs, the inference is that injured workers who take opioids will become addicted. This is an outdated assumption.

Response: No change was made. This section refers to all drugs, not just opioids.

Comment: The department should not be in the business of telling doctors how to practice medicine.

Response: No change was made. The department as a trustee of the medical aid fund has a duty to supervise the provision of proper and necessary medical care to injured and ill workers. The steps listed are already in rule and have simply been placed into one WAC for clarity. These steps are options that the insurer *may* use to ensure appropriate medical care for the injured worker.

WAC 296-20-03016 Is detoxification and/or chemical dependency treatment covered?

Comment: This section is not clear. Does someone have to be dependent and have an addiction?

Response: This section was rewritten for clarity.

Change to the Proposed Rule: The department or self-insurer may pay for detoxification and/or chemical dependency treatment in the following circumstances:

- The injured worker becomes dependent or toxic on medication prescribed for an accepted condition on the claim; or
- The injured worker becomes dependent or toxic due to medications prescribed for a condition retarding recovery of An addiction is retarding recovery of the accepted condition on the claim; or
- The injured worker is dependent or toxic due to medications for an unrelated condition, but that dependency or toxicity is retarding recovery of the accepted condition.

WAC 296-20-03019 Under what conditions will the department or self-insurer pay for oral opioid treatment for chronic, noncancer pain?

Comment: Chronic pain does not always start within the two-four month window. Suggest adding the word "typically."

Response: Thanks for the suggestion. Change made.

Change to the Proposed Rule: Chronic, noncancer pain may develop after an acute injury episode. It is defined as pain that typically persists beyond two to four months following the injury.

WAC 296-20-03020 What are the authorization requirements for treatment of chronic, noncancer pain with opioids?

Comment: The authorization and documentation requirements on opioids for chronic, noncancer pain are overly burdensome. They will prevent some doctors from appropriately treating workers and/or delay appropriate treatment for workers in pain.

Response: The requirements listed are necessary for the department to ensure that the treatment of chronic, noncancer pain with opioids is proper and necessary, as defined in WAC 296-20-01002. Further, the documentation requirements are consistent with recommendations contained in the *Department of Health Guidelines for Management of Pain* (see, for example, Section F, *Guidelines for Assessment and Documentation in Non-Cancer Pain*; and Section G, *Patient Responsibilities*). However, the department made some changes in response to this concern. The proposed rules required prior authorization to treat chronic, noncancer pain with opioids. The final rules still require authorization but give the physician a thirty day grace period to submit the initial report. In addition, record review has been reduced to a consideration of the patient's relevant medical history. See below.

Comment: What are elements of addiction?

Response: This bullet was rewritten for clarity. See below.

Change to the Proposed Rule: ~~Prior authorization is required for treatment of chronic, noncancer pain with opioids.~~

No later than 30 days after the attending physician begins treating the worker with opioids for chronic, noncancer pain. ~~The attending physician must submit a written request report to and obtain approval from the department or self-insurer in order for the department or self-insurer to pay for such treatment. prior to prescribing opioids for chronic, noncancer pain.~~ The written report request must include the following factors:

- A treatment plan with time-limited goals;
- A consideration of relevant prior medical history; and L&I records;
- A summary of conservative care rendered to the worker that focused on reactivation and return to work;
- A statement on why prior or alternative conservative measures may have failed or are not appropriate as sole treatment;
- A summary of any consultations that have been obtained, particularly those that have addressed factors that may be barriers to recovery;

- A statement that the attending physician has conducted appropriate screening for elements of addiction factors that may significantly increase the risk of abuse or adverse outcomes (e.g. a history of alcohol or other substance abuse); and
- An opioid treatment agreement that has been signed by the worker and the attending physician. This agreement must be renewed every six months. The treatment agreement must outline the risks and benefits of opioid use, the conditions under which opioids will be prescribed, the physician's need to document overall improvement in pain and function, and the worker's responsibilities.

WAC 296-20-03021 What documentation is required to be submitted for continued coverage of opioids to treat chronic, noncancer pain?

Comment: Will physicians be compensated for these new reports?

Response: Since the fee schedule is not in rule, billing codes and fees for these reports are not addressed in these rules. A provider bulletin will go out to physicians telling them about the new reports and what codes to bill to be reimbursed for their services.

Comment: The ongoing documentation requirements on opioids for chronic, noncancer pain are overly burdensome. They will prevent some doctors from appropriately treating workers and/or delay appropriate treatment for workers in pain.

Response: No change was made to this WAC based on this comment. Again, the requirements listed are necessary for the department to ensure that the treatment of chronic, noncancer pain with opioids is proper and necessary, as defined in WAC 296-20-01002. Further, the documentation requirements are consistent with recommendations contained in the *Department of Health Guidelines for Management of Pain* (see, for example, Section F, *Guidelines for Assessment and Documentation in Non-Cancer Pain*; and Section G, *Patient Responsibilities*).

The main concern in terms of this WAC seems to be with the form, not with the rule. Feedback has been that the draft department form developed to document pain and function is too long and focuses too much on return to work. This form has recently been shortened to include only that information absolutely necessary to adjudicate claims. In addition, the revised form focuses on documenting improvement of function in daily living activities as well as return to work activities.

Comment: Documentation of functional improvement should be objective and measurable.

Response: No change was made based on this suggestion. Estimate of functional improvement may include information that is self-reported, such as patient responses to validated health surveys, or from another observer, such as the physician on examination or a physical therapist through a physical capacities evaluation.

Comment: How often is this report required?

Response: Ongoing documentation is already required at least every sixty days. See the reference sixty day reports

in WAC 296-20-06101. Language was added in this section to make this more clear. See below.

Comment: Are two reports required for ongoing treatment with opioids? Documentation and a form are referenced in both WAC 296-20-03021 and 296-20-03022.

Response: Only one form is required. The sentence referring to the department form was moved to WAC 296-20-03021 to make this more clear. See below.

Change to the Proposed Rule: In addition to the general documentation required by the department or self-insurer, the attending physician must submit the following information at least every sixty days when treating with opioids:

- Documentation of drug screenings, consultations, and all other treatment trials;
- Documentation of outcomes and responses, including pain intensity and functional levels; and
- Any modifications to the treatment plan.

The physician must use a form developed by the department, or a substantially equivalent form, to document the patient's improvement in pain intensity and functional levels. This form may be included as part of a sixty day report.

WAC 296-20-03022 How long will the department or self-insurer continue to pay for opioids to treat chronic, non-cancer pain?

Comment: What does substantial mean? Substantial may mean different things for different patients. Take out the word "substantial"?

Response: No change was made based on this suggestion. It is difficult to give a definition of "substantial" that would be meaningful for all types of injuries in all situations. That is why "substantial" is not defined here. On the other hand, there has to be some level of improvement above and beyond the fluctuations in levels of pain and function that occurs when a worker is fixed and stable. What "substantial" improvement means should be evident for individual cases.

Comment: These rules should allow for ongoing treatment with opioid medications for maintenance care and on closed claims.

Response: This suggestion has not been incorporated into the final rules. Although it may be medically appropriate to prescribe opioids to treat chronic pain for an extended period of time, the Industrial Insurance Act allow the department to pay for medical treatment only until the accepted condition becomes fixed and stable. This means that maintenance treatment, treatment solely to relieve symptoms or discomfort, and treatment on closed claims are not payable. Any change on this issue would have to be made at the level of the RCWs and come from the legislature.

Comment: It is not clear when payment for opioids stops.

Response: The two bullets were rewritten to make this more clear. The insurer will continue to pay for opioids when there is substantial reduction in pain (even if the level of pain plateaus) as long as the patient continues to improve functionally. See below.

Change to the Proposed Rule: The department or self-insurer will continue to pay for treatment with opioids so long as the physician documents:

- Substantial reduction of the patient's pain intensity; and
- Continuing substantial improvement in the patient's function.

~~The physician must use a form developed by the department, or a substantially equivalent form, to document the patient's improvement in these two areas:~~

Once the worker's condition has reached maximum medical improvement, further treatment with opioids is not payable. Opioid treatment for chronic, noncancer pain past the first three months of such treatment ~~an opioid trial~~ without documentation of substantial improvement is presumed to be not proper and necessary.

WAC 296-20-03023 When may the department or self-insurer deny payment of opioid medications used to treat chronic, noncancer pain?

Comment: Will the physician be denied reimbursement due to patient misconduct? The last sentence referring to possible sanctions in WAC 296-20-015 suggests that is the case. Please clarify.

Response: This section refers to denial of payment for the medication itself, not physician services. The reference to WAC 296-20-015 was deleted.

Change to the Proposed Rule: Payment for opioid medications may be denied in any of the following circumstances:

- Absent or inadequate documentation;
- Noncompliance with the treatment plan;
- Pain and functional status have not substantially improved after three months of opioid treatment; or
- Evidence of misuse or abuse of the opioid medication or other drugs, or noncompliance with the attending physician's request for a drug screen.

~~Other corrective actions may be taken in accordance with WAC 296-20-015. Who may treat:~~

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 15, Amended 1, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 15, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 15, Amended 1, Repealed 1.

Effective Date of Rule: January 20, 2000.

December 7, 1999

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-030 Treatment not requiring authorization for accepted conditions. (1) A maximum of twenty office calls for the treatment of the industrial condition, during the first sixty days, following injury. Subsequent office calls must be authorized. Reports of treatment rendered must be filed at sixty day intervals to include number of office visits to date. See chapter 296-20 WAC and department policies for report requirements and further information.

(2) Initial diagnostic x-rays necessary for evaluation and treatment of the industrial injury or condition. See WAC 296-20-121 for further information.

(3) The first twelve physical therapy treatments as provided by chapters 296-21, 296-23, and 296-23A WAC, upon consultation by the attending doctor or under his direct supervision. Additional physical therapy treatment must be authorized and the request substantiated by evidence of improvement. In no case will the department or self-insurer pay for inpatient hospitalization of a claimant to receive physical therapy treatment only. USE OF DIAPULSE, THERMATIC (standard model only), SPECTROWAVE AND SUPERPULSE MACHINES AND IONTOPHORESIS IS NOT AUTHORIZED FOR WORKERS ENTITLED TO BENEFITS UNDER THE INDUSTRIAL INSURANCE ACT.

(4) Routine laboratory studies reasonably necessary for diagnosis and/or treatment of the industrial condition. Other special laboratory studies require authorization.

(5) Routine standard treatment measures rendered on an emergency basis or in connection with minor injuries not otherwise requiring authorization.

(6) Consultation with specialist when indicated. See WAC 296-20-051 for consultation guidelines.

~~(7) (Nonscheduled drugs and medications during the acute phase of treatment for the industrial injury or condition.~~

~~(8) Scheduled drugs and other medications known to be addictive, habit forming or dependency inducing may be prescribed in quantities sufficient for treatment for a maximum of twenty-one days. If drug therapy extends beyond thirty days, see WAC 296-20-03003 regarding management.~~

~~(9) Injectable scheduled and other drugs known to be addictive, habit forming, or dependency inducing may be provided only on an in-patient basis. Hospital admission for administration of drugs for relief of chronic pain only will not be allowed.~~

~~(10)) Diagnostic or therapeutic nerve blocks. See WAC 296-20-03001 for restrictions.~~

~~((11)) (8) Intra-articular injections. See WAC 296-20-03001 for restrictions.~~

~~((12)) (9) Myelogram if prior to emergency surgery.~~

NEW SECTION

WAC 296-20-03010 What are the general principles the department uses to determine coverage on drugs and medications? The department or self-insurer pays for drugs that are deemed proper and necessary to treat the industrial injury or occupational disease accepted under the claim. In general, the department will consider coverage for all FDA

approved drugs for stated indications. The department or self-insurer may pay for prescriptions for off label indications when used within current medical standards and prescribed in compliance with published contraindications, precautions and warnings.

NEW SECTION

WAC 296-20-03011 What general limitations are in place for medications? (1) **Amount dispensed.** The department or self-insurer will pay for no more than a thirty-day supply of a medication dispensed at any one time.

(2) **Over-the-counter drugs.** Prescriptions for over-the-counter items may be paid. Special compounding fees for over-the-counter items are not payable.

(3) **Generic drugs.** Prescriptions are to be written for generic drugs unless the attending physician specifically indicates that substitution is not permitted. For example: The patient cannot tolerate substitution. Pharmacists are instructed to fill with generic drugs unless the attending physician specifically indicates substitution is not permitted.

(4) **Prescriptions for unrelated medical conditions.** The department or self-insurer may consider temporary coverage of prescriptions for conditions not related to the industrial injury when such conditions are retarding recovery. Any treatment for such conditions must have prior authorization per WAC 296-20-055.

(5) **Pension cases.** Once the worker is placed on a pension, the department or self-insurer may pay for only those drugs and medications authorized for continued medical treatment for conditions previously accepted by the department. Authorization for continued medical and surgical treatment is at the sole discretion of the supervisor of industrial insurance and must be authorized before the treatment is rendered. In such pension cases, the department or self-insurer cannot pay for scheduled drugs used to treat continuing pain resulting from an industrial injury or occupational disease.

NEW SECTION

WAC 296-20-03012 Where can I find the department's outpatient drug and medication coverage decisions? The department's outpatient drug and medication coverage decisions are contained in the department's formulary, as developed by the department in collaboration with the Washington State Medical Association's Industrial Insurance and Rehabilitation Committee.

In the formulary, drugs are listed in the following categories:

- **Allowed**

Drugs used routinely for treating accepted industrial injuries and occupational illnesses.

Example: Nonscheduled drugs and other medications during the acute phase of treatment for the industrial injury or condition.

- **Prior authorization required**

Drugs used routinely to treat conditions not normally accepted as work related injuries, drugs which are used to

treat unrelated conditions retarding recovery from the accepted condition on the claim, and drugs for which less expensive alternatives exist.

Example: All drugs to treat hypertension because hypertension is not normally an accepted industrial condition.

• **Denied**

Drugs not normally used for treating industrial injuries or not normally dispensed by outpatient pharmacies.

Example: Most hormones, most nutritional supplements.

NEW SECTION

WAC 296-20-03013 Will the department or self-insurer pay for a denied outpatient drug in special circumstances? Some of the drugs that are routinely denied may be covered in special circumstances. Requests for coverage under special circumstances require authorization prior to treatment. Examples of drugs that may be covered in special circumstances include:

- Drugs and medications to treat unrelated conditions when retarding recovery;
- Special treatments for unique catastrophic injuries.

The department may require written documentation to support the request.

NEW SECTION

WAC 296-20-03014 Which drugs have specific limitations? (1) **Injectables.** Prescriptions for injectable opioids or other analgesics, sedatives, antihistamines, tranquilizers, psychotropics, vitamins, minerals, food supplements, and hormones are not covered.

Exceptions: The department or self-insurer covers injectable medications under the following circumstances.

(a) Indicated injectable drugs for the following:

- Inpatients; or
- During emergency treatment of a life-threatening condition/injury; or
- During outpatient treatment of severe soft tissue injuries, burns or fractures when needed for dressing or cast changes; or
- During the perioperative period and the postoperative period, not to exceed forty-eight hours from the time of discharge.

(b) Prescriptions of injectable insulin, heparin, anti-migraine medications, or impotency treatment, when proper and necessary.

(2) **Noninjectable scheduled drugs administered by other than the oral route.** Nonoral routes of administration of scheduled drugs that result in systemic availability of the drug equivalent to injectable routes will also not be covered.

(3) **Sedative-hypnotics.** During the chronic stage of an industrial injury or occupational disease, payment for scheduled sedatives and hypnotics will not be authorized.

(4) **Benzodiazepines.** Payment for prescriptions for benzodiazepines are limited to the following types of patients:

- Hospitalized patients;

- Claimants with an accepted psychiatric disorder for which benzodiazepines are indicated;

- Claimants with an unrelated psychiatric disorder that is retarding recovery but which the department or self-insurer has temporarily authorized treatment (see WAC 296-20-055) and for which benzodiazepines are indicated; and

- Other outpatients for not more than thirty days for the life of the claim.

(5) **Cancer.** When cancer or any other end-stage disease is an accepted condition, the department or self-insurer may authorize payment for any indicated scheduled drug and by any indicated route of administration.

(6) **Spinal cord injuries.** When a spinal cord injury is an accepted condition, the department or self-insurer may authorize payment for anti-spasticity medications by any indicated route of administration (e.g., some benzodiazepines, Baclofen). Prior authorization is required.

Note: See the department formulary for specific limitations and prior authorization requirements of other drugs.

NEW SECTION

WAC 296-20-03015 What steps may the department or self-insurer take when concerned about the amount or appropriateness of drugs and medications prescribed to the injured worker? (1) The department or self-insurer may take any or all of the following steps when concerned about the amount or appropriateness of drugs the patient is receiving:

- Notify the attending physician of concerns regarding the medications such as drug interactions, adverse reactions, prescriptions by other providers;

- Require that the attending physician send a treatment plan addressing the drug concerns;

- Request a consultation from an appropriate specialist;

- Request that the attending physician consider reducing the prescription, and provide information on chemical dependency programs;

- Limit payment for drugs on a claim to one prescribing doctor.

(2) If the attending physician or worker does not comply with these requests, or if the probability of imminent harm to the worker is high, the department or self-insurer may discontinue payment for the drug after adequate prior notification has been given to the worker, pharmacy and physician.

(3) Physician failure to reduce or terminate prescription of controlled substances, habit forming or addicting medications, or dependency inducing medications, after department or self-insurer request to do so for an injured worker may result in a transfer of the worker to another physician of the worker's choice. (See WAC 296-20-065.)

(4) Other corrective actions may be taken in accordance with WAC 296-20-015, Who may treat.

NEW SECTION

WAC 296-20-03016 Is detoxification and/or chemical dependency treatment covered? The department or

self-insurer may pay for detoxification and/or chemical dependency treatment in the following circumstances:

- The injured worker becomes dependent or toxic on medication prescribed for an accepted condition on the claim; or
- The injured worker becomes dependent or toxic due to medications prescribed for a condition retarding recovery of the accepted condition on the claim; or
- The injured worker is dependent or toxic due to medications for an unrelated condition, but that dependency or toxicity is retarding recovery of the accepted condition.

NEW SECTION

WAC 296-20-03017 What information is needed for prescriptions and the physician's record? Prescriptions must include the department authorized provider number for the prescribing physician and the physician's signature. The physician's record must contain the name and reason for the medication, the dosage, quantity prescribed and/or dispensed, the route of administration, the frequency, the starting and stopping dates, the expected outcome of treatment, and any adverse effects that occur. Please refer to WAC 296-20-03021 and 296-20-03022 for additional documentation requirements when treating chronic, noncancer pain.

NEW SECTION

WAC 296-20-03018 What inpatient drugs are covered? In general, the department or self-insured employer pays for most drugs in an inpatient hospital setting. Please see WAC 296-20-075, Hospitalization.

NEW SECTION

WAC 296-20-03019 Under what conditions will the department or self-insurer pay for oral opioid treatment for chronic, noncancer pain? Chronic, noncancer pain may develop after an acute injury episode. It is defined as pain that typically persists beyond two to four months following the injury.

The department or self-insurer may pay for oral opioids for the treatment of chronic, noncancer pain caused by an accepted condition when that treatment is proper and necessary. See WAC 296-20-01002 for the definition of "proper and necessary" health care services.

NEW SECTION

WAC 296-20-03020 What are the authorization requirements for treatment of chronic, noncancer pain with opioids? No later than thirty days after the attending physician begins treating the worker with opioids for chronic, noncancer pain, the attending physician must submit a written report to the department or self-insurer in order for the department or self-insurer to pay for such treatment. The written report must include the following:

- A treatment plan with time-limited goals;
- A consideration of relevant prior medical history;

- A summary of conservative care rendered to the worker that focused on reactivation and return to work;

- A statement on why prior or alternative conservative measures may have failed or are not appropriate as sole treatment;

- A summary of any consultations that have been obtained, particularly those that have addressed factors that may be barriers to recovery;

- A statement that the attending physician has conducted appropriate screening for factors that may significantly increase the risk of abuse or adverse outcomes (e.g., a history of alcohol or other substance abuse); and

- An opioid treatment agreement that has been signed by the worker and the attending physician. This agreement must be renewed every six months. The treatment agreement must outline the risks and benefits of opioid use, the conditions under which opioids will be prescribed, the physician's need to document overall improvement in pain and function, and the worker's responsibilities.

NEW SECTION

WAC 296-20-03021 What documentation is required to be submitted for continued coverage of opioids to treat chronic, noncancer pain? In addition to the general documentation required by the department or self-insurer, the attending physician must submit the following information at least every sixty days when treating with opioids:

- Documentation of drug screenings, consultations, and all other treatment trials;
- Documentation of outcomes and responses, including pain intensity and functional levels; and
- Any modifications to the treatment plan.

The physician must use a form developed by the department, or a substantially equivalent form, to document the patient's improvement in pain intensity and functional levels. This form may be included as part of a sixty-day report.

NEW SECTION

WAC 296-20-03022 How long will the department or self-insurer continue to pay for opioids to treat chronic, noncancer pain? The department or self-insurer will continue to pay for treatment with opioids so long as the physician documents:

- Substantial reduction of the patient's pain intensity; and
- Continuing substantial improvement in the patient's function.

Once the worker's condition has reached maximum medical improvement, further treatment with opioids is not payable. Opioid treatment for chronic, noncancer pain past the first three months of such treatment without documentation of substantial improvement is presumed to be not proper and necessary.

NEW SECTION

WAC 296-20-03023 When may the department or self-insurer deny payment of opioid medications used to treat chronic, noncancer pain? Payment for opioid medications may be denied in any of the following circumstances:

- Absent or inadequate documentation;
- Noncompliance with the treatment plan;
- Pain and functional status have not substantially improved after three months of opioid treatment; or
- Evidence of misuse or abuse of the opioid medication or other drugs, or noncompliance with the attending physician's request for a drug screen.

NEW SECTION

WAC 296-20-03024 Will the department or self-insurer pay for nonopioid medications for the treatment of chronic, noncancer pain? The department or self-insurer may pay for nonopioid medication for the treatment of chronic, noncancer pain when it is proper and necessary.

For example, some drugs such as anti-convulsants, anti-depressants, and others have been demonstrated to be useful in the treatment of chronic pain and may be approved when proper and necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-03003 Drugs and medication.

WSR 00-01-043

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 7, 1999, 2:40 p.m.]

Date of Adoption: December 7, 1999.

Purpose: The proposed new rules provide the guidance necessary to keep the valuation and revaluation of real property consistent and uniform throughout the thirty-nine counties. These new rules include WAC 458-07-010 Valuation and revaluation of real property—Introduction, 458-07-015 Revaluation of real property—Annual counties, 458-07-020 Revaluation of real property—Multiyear counties, 458-07-025 Revaluation of real property—Plan submitted to Department of Revenue, 458-07-030 True and fair value—Defined—Criteria—Highest and best use—Data from property owner, and 458-07-035 Listing of property—Subdivisions and segregation of interests.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-040, 458-12-300, 458-12-301, 458-12-305, 458-12-326, 458-12-327, 458-12-330, 458-12-335, 458-12-336, 458-12-337, 458-12-338, 458-12-339, and 458-12-350.

Statutory Authority for Adoption: RCW 84.08.070.

Adopted under notice filed as WSR 99-18-110 on September 1, 1999.

Changes Other than Editing from Proposed to Adopted Version: In proposed WAC 458-07-015 (4)(a) the wording was changed from "For purposes of this section" to "For purposes of this chapter."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 13.

Effective Date of Rule: Thirty-one days after filing.

December 7, 1999

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

Chapter 458-07 WAC**VALUATION AND REVALUATION
OF REAL PROPERTY**NEW SECTION

WAC 458-07-010 Valuation and revaluation of real property—Introduction. The Washington state Constitution requires that all taxes be uniform upon the same class of property within the territorial limits of the authority levying the tax. In order to comply with this constitutional mandate and ensure that all taxes are uniform, all real property must be valued in a manner consistent with this principle of uniformity. Also, to comply with statutory and case law, the county assessor must value all taxable real property in the county on a regular, systematic, and continuous basis. This valuation may be accomplished on an annual basis for all real property in the county, or it may be accomplished on a multiyear basis with all the real property in the county revalued within a time period of not more than four years. Whether on an annual basis or a multiyear basis, the assessor must adhere to a revaluation plan that will ensure equality and uniformity in the valuation of real property, and must use proper appraisal methods. The administrative rules in this chapter describe and explain the processes to be used by the county assessor in valuing and revaluing real property for purposes of taxation.

NEW SECTION

WAC 458-07-015 Revaluation of real property—Annual counties. (1) **Appropriate statistical data defined.** In any county where all real property is revalued each year, the assessor must revalue the property at its current true and fair value using appropriate statistical data. For purposes of this chapter, "appropriate statistical data" means the data required to accurately adjust real property values and includes, but is not limited to, data reflecting costs of new construction and real property market trends.

(2) **Comparable sales data.** In gathering appropriate statistical data and determining real property market trends, the assessor must consider current sales data. "Current sales data" means sales of real property that occurred within the past five years of the date of appraisal and may include sales that occur in the assessment year. To the extent feasible, and in accordance with generally accepted appraisal practices, the assessor shall compile the statistical data into categories of comparable properties. Comparability is most often determined by similar use and location and may be based upon the following use classifications:

- (a) Single family residential;
- (b) Residential with from two to four units;
- (c) Residential with more than four units;
- (d) Residential hotels, condominiums;
- (e) Hotels and motels;
- (f) Vacation homes and cabins;
- (g) Retail trade;
- (h) Warehousing;
- (i) Office and professional service;
- (j) Commercial other than listed;
- (k) Manufacturing;
- (l) Agricultural; and
- (m) Other classifications as necessary.

(3) **Appraisal processes.** Appropriate statistical data shall be applied to revalue real property to current true and fair value using one or more of the following processes:

- (a) Multiple or linear regression;
- (b) Sales ratios;
- (c) Physical inspection; or
- (d) Any other appropriate statistical method that is recognized and accepted with respect to the appraisal of real property for purposes of taxation.

(4) **Physical inspection cycles.**

(a) For purposes of this chapter, "physical inspection" means, at a minimum, an exterior observation of the property to determine whether there have been any changes in the physical characteristics that affect value. The property improvement record must be appropriately documented in accordance with the findings of the physical inspection. In a county where all real property is revalued at its current true and fair value each year, using appropriate statistical data, the assessor must physically inspect all real property at least once within a six-year time period.

(b) Physical inspection of all the property in the county shall be accomplished on a proportional basis in cycle, with approximately equal portions of taxable property of the county inspected each year. Physical inspections of properties outside of the areas scheduled for physical inspection

under the plan filed with the department (see WAC 458-07-025) may be conducted for purposes of validating sales, reconciling inconsistent valuation results, calibrating statistical models, valuing unique or nonhomogeneous properties, administering appeals or taxpayer reviews, documenting digital images, or for other purposes as necessary to maintain accurate property characteristics and uniform assessment practices. All properties shall be placed on the assessment rolls at current true and fair value as of January 1st of the assessment year.

(c) In any year, when the area of the county being physically inspected is not completed in that year, the portion remaining must be completed before beginning the physical inspection of another area in the succeeding year. All areas of the county must be physically inspected within the cycle established in the revaluation plan filed with the department.

(5) **Change of value notice.** In a county that revalues all real property each year, revaluation notices must be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal or adjustment in value.

NEW SECTION

WAC 458-07-020 Revaluation of real property—Multiyear counties. (1) **Revaluation cycles.** In a county where all real property is not revalued each year, all real property must be physically inspected and revalued at current true and fair market value on a proportional basis within the county each year of a two, three, or four-year cycle. Approximately equal portions of the taxable property of the county must be physically inspected and revalued each year of the cycle. Alternatively, the department may approve a plan whereby the county assessor physically inspects and revalues all real property in the county once every two years.

(2) **Revaluation outside of approved cycle.** In certain circumstances the assessor is authorized to revalue real property using appraisal judgment, outside of the approved revaluation cycle. These revaluations must not be arbitrary or capricious, nor violate the equal protection clauses of the federal and state Constitutions, nor the uniformity clause of the state Constitution. The assessor may disregard the revaluation cycle and change a property valuation, as appropriate, in the following situations:

(a) If requested by a property owner, when a notice of decision pertaining to the value of real property is received under RCW 36.70B.130 (Notice of decision—Distribution; local project review), RCW 90.60.160 (Final permit decision—Notice forwarded to county assessor; environmental permit assistance), chapter 35.22 RCW (First Class Cities), chapter 35.63 RCW (Planning Commissions), chapter 35A.63 RCW (Planning and Zoning in Code Cities), or chapter 36.70 RCW (Planning Enabling Act);

(b) When the owner or person responsible for payment of taxes on any real property petitions the assessor for a reduction in the assessed value in accordance with RCW 84.40.039, within three years of adoption of a restriction by a government entity;

(c) When there has been a "definitive change of land use designation" by an authorized land use authority, and the revaluation is in accordance with RCW 84.48.065;

(d) When a bona fide mistake has been made by the assessor in a prior valuation made within the current valuation cycle. The change in property valuation is not retroactive to the prior year;

(e) When property has been destroyed, in whole or in part, and is entitled to a reduction in value in accordance with chapter 84.70 RCW; or

(f) When property has been subdivided or merged.

(3) **Revaluation areas—Incomplete revaluation.** In any year, when the area of the county being physically inspected and revalued is not completed in that year, the portion remaining must be completed before beginning the physical inspection and revaluation of another area in the succeeding year. For any portion of a revaluation area that was not completed in the year intended, the value of real property in that portion is still determined as of January 1st of the assessment year originally intended, but the new appraised value is placed on the assessment rolls, and is subject to appeal by the taxpayer, in the assessment year the property is actually inspected and revalued. All areas of the county must be physically inspected and revalued within the cycle established in the revaluation plan filed with the department.

(4) **Change of value notice.** In a county that revalues all real property on a multiyear cycle, revaluation notices must be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal.

NEW SECTION

WAC 458-07-025 Revaluation of real property—Plan submitted to department of revenue. (1) **Revaluation plan—When submitted.** The assessor shall submit a proposed revaluation plan to the property tax division of the department of revenue on or before March 1st of the year prior to the first year of any revaluation and/or physical inspection cycle.

(2) **Revaluation plan—Contents.** The proposed revaluation plan must be sufficiently detailed to enable the department to determine whether the assessor will be able to successfully and timely complete the revaluation and/or physical inspection program and must include, but is not limited to, the following:

(a) A comprehensive analysis of the number and types of properties to be appraised each year;

(b) Specific geographical revaluation areas, taxing districts, or parcels included in the plan each year;

(c) A description of appraiser workload each year and the number of personnel required to implement the plan, including the number and duties of staff not directly involved in the appraisal of real property;

(d) The number of additional staff required, if any, and a description of their duties;

(e) Whether the plan anticipates the necessity of using appraisers hired on a contract basis or whether the plan antic-

ipates requesting special assistance from the department of revenue;

(f) The current and anticipated use of and need for equipment, supplies, and space;

(g) The annual anticipated budget of the assessor's office; and

(h) A statement that all real property will be appraised at one hundred percent of its true and fair value unless specifically provided otherwise by law.

(3) **Revaluation plan—Approval or disapproval.** The department shall review the proposed revaluation plan to determine whether it complies with all lawful requirements and to determine whether it can be successfully and timely completed. The department shall notify the assessor in writing if it disapproves a proposed revaluation plan and shall give the reasons for its disapproval. If the proposed revaluation plan is not approved by the department, the assessor shall, with the assistance of the department of revenue, develop a revaluation plan that will comply with the provisions of chapter 84.41 RCW and this chapter of the Washington Administrative Code.

(4) **Revaluation plan—Progress report—Changes—Satisfactory progress.**

(a) The assessor of each county shall submit a report to the department of revenue not later than October 15th of each year detailing the county's progress in implementing its revaluation and/or physical inspection program. The report must be submitted on forms supplied by the department and must note any additions or corrections to, or deviations from, the plan during the past year.

(b) Any significant or substantial changes to the plan must be submitted to and approved by the department prior to implementation of the changes.

(c) If the department finds that the revaluation and/or physical inspection program in any county is not proceeding in accordance with the county's revaluation plan or that the revaluation and/or physical inspection program is not making satisfactory progress, the department shall notify both the county legislative authority and the assessor of that finding. Within thirty days after receiving the notice, the county legislative authority shall take one of the following actions:

(i) Authorize such expenditures as will enable the assessor to complete the revaluation and/or physical inspection program as directed; or

(ii) Direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation and/or physical inspection program.

NEW SECTION

WAC 458-07-030 True and fair value—Defined—Criteria—Highest and best use—Data from property owner. (1) **True and fair value—Defined.** All property must be valued and assessed at one hundred percent of true and fair value unless otherwise provided by law. "True and fair value" means market value and is the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking

into consideration all uses to which the property is adapted and might in reason be applied.

(2) **True and fair value—Criteria.** In determining true and fair value, the assessor may use the sales (market data) approach, the cost approach, or the income approach, or a combination of the three approaches to value. The provisions of (b) and (c) of this subsection, the cost and income approaches, respectively, shall be the dominant factors considered in determining true and fair value in cases of property of a complex nature, or property being used under terms of a franchise granted by a public agency, or property being operated as a public utility, or property not having a record of sale within five years and not having a significant number of sales of comparable property in the general area. When the cost or income approach is used, the assessor shall provide the property owner, upon request, with the factors used in arriving at the value determined, subject to any lawful restrictions on the disclosure of confidential or privileged tax information.

(a) **Sales.** Sales of the property being appraised or sales of comparable properties that occurred within five years of January 1st of the assessment year are valid indicators of true and fair value. In valuing property, the following shall be considered:

(i) Any governmental policies or practices, regulations or restrictions in effect at the time of appraisal that affect the use of property, including a comprehensive land use plan, developmental regulations under the Growth Management Act (chapter 36.70A RCW), and zoning ordinances. No appraisal may assume a land usage not permitted under existing zoning or land use planning ordinances or statutes, unless such usage is otherwise allowed by law;

(ii) Physical and environmental influences that affect the use of the property;

(iii) When a sale involves a real estate contract, the extent, if any, to which the down payment, interest rate, or other financing terms may have increased the selling price;

(iv) The extent to which the sale of a comparable property actually represents the general effective market demand for property of that type, in the geographical area in which the property is located; and

(v) Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of comparable property in determining value.

(b) **Cost.** In determining true and fair value, consideration may be given to cost, cost less depreciation, or reconstruction cost less depreciation.

(c) **Income.** In determining true and fair value, consideration may be given to the capitalization of income that would be derived from prudent use of the property.

(d) **Manuals.** Appraisal manuals or guides published or approved by the department of revenue shall be considered in conjunction with the three approaches to value. The data contained in these manuals or guides must be analyzed and adjusted by the assessor to consider time, location, and any other applicable factors to properly reflect market value in the county.

(3) **True and fair value—Highest and best use.** Unless specifically provided otherwise by statute, all property shall be valued on the basis of its highest and best use for assess-

ment purposes. Highest and best use is the most profitable, likely use to which a property can be put. It is the use which will yield the highest return on the owner's investment. Any reasonable use to which the property may be put may be taken into consideration and if it is peculiarly adapted to some particular use, that fact may be taken into consideration. Uses that are within the realm of possibility, but not reasonably probable of occurrence, shall not be considered in valuing property at its highest and best use.

(4) **Valuation of land and improvements.** In valuing any lot, tract, or parcel of real property, the assessor must determine the true and fair value of the land, excluding the value of any structures on the land and excluding the value of any growing crops. The assessor must also determine the true and fair value of any structure on the land. The total value of the land and the structures must not exceed one hundred percent of the true and fair value of the total property as it exists at the time of appraisal.

(5) **Valuation data from property owners.** The assessor may require property owners to submit pertinent data regarding property in their control, including sales data, costs and characteristics of improvements, and other facts necessary for appraisal of the property.

NEW SECTION

WAC 458-07-035 Listing of property—Subdivisions and segregation of interests. (1) **Listing of property.** The assessor must begin the listing and valuation of all property in the county, except new construction and mobile homes not previously assessed in this state, not later than December 1st of each year, and complete the listing and valuation not later than May 31st of the succeeding year. The listing and valuation of new construction and mobile homes not previously assessed in this state must be completed by August 31st of each year.

(2) **Valuation of subdivisions.** The assessor must list and value all subdivisions of real property at one hundred percent of true and fair value as follows:

(a) If an advance tax deposit was paid in accordance with RCW 58.08.040, each lot of a subdivision must be valued by October 30th of the year following the recording of the plat, replat, altered plat, or binding site plan. The value established shall be the value of the lot as of January 1st of the year the original parcel was last revalued. Each lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for that assessment year. Each lot of a subdivision that is valued after May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for the succeeding assessment year; and

(b) If no advance tax deposit was paid, each lot of a subdivision must be valued by the end of the calendar year following the recording of the plat, map, subdivision, or replat. The value established shall be the value of the lot as of January 1st of the year the original parcel was last revalued. Each lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for that assessment year. Each lot of a sub-

division that is valued after May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for the succeeding assessment year.

(3) Petition for payment of taxes on partial interest.

Any person desiring to pay taxes on only their interest in a parcel of real property, whether their interest is a divided interest or an undivided interest, may do so by applying to the assessor of the county where the property is located. The assessor shall determine the value of the applicant's interest and certify that value to the county treasurer who shall accept payment of taxes for the applicant's interest in the property. No segregation of the property shall be made unless all delinquent taxes and assessments on the entire parcel have been paid in full, except for the following situations, in which all delinquent taxes and assessments on the entire parcel need not first be paid in full:

- (a) When property is being acquired for public use; and
- (b) When a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise.

WSR 00-01-051

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 8, 1999, 2:06 p.m.]

Date of Adoption: December 8, 1999.

Purpose: To comply with the Governor's Executive Order 97-02 by rewriting the long term care (LTC) eligibility rules in a simpler, clearer, and more effective style for the regulated audience; to streamline and consolidate rules as much as possible; and to repeal rules no longer needed to manage the LTC medical assistance programs.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-513-1300 and 388-513-1310; and amending WAC 388-513-1305, 388-513-1315, 388-513-1320, 388-513-1330, 388-513-388-513-1350, 388-513-1360, 388-513-1365, 388-513-1395, 388-513-1396, 388-515-1510, and 388-315-1530.

Statutory Authority for Adoption: RCW 11.92.180, 43.20B.460, 48.85.020, 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.[09.]575, 74.09.585; 20 C.F.R. 416.1110-1112, 1123 and 1160; 42 C.F.R. 435.403 (j)(2) and 1005; and Sections 17, 1915(c), and 1924 (42 U.S.C. 1396) of the Social Security Act.

Adopted under notice filed as WSR 99-16-067 on August 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-513-1301 Definitions related to long-term care (LTC) services.**

1. The definition of an adult family home in subsection (1) under "**Alternate living facility (AFH)**" is changed in the following way: "Adult family home (AFH) is a licensed family home that provides its residents with personal care

and board and room for two to six adults unrelated to the person(s) providing the care."

2. The definition of a residential habilitation center in subsection (5) under "**Medical facility**" is changed in the following way: "Residential habilitation center (RHC), which is a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities."

3. The definition of "**Waivered programs/services**" is changed in the following way: "Waivered programs/services" means programs for which the federal government authorizes exceptions to Medicaid rules. Such programs provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, waived programs are CAP, CASA, COPES, MIC, and OBRA."

WAC 388-513-1315 Eligibility for long-term care (institutional, waived, and hospice) services.

4. The text of subsection (5) is changed in the following way: "To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Be eligible for the MN children's medical program as described in WAC 388-505-0210(1); and

(b) Relate to the SSI program as described in WAC 388-503-0510(1) and meet all requirements described in WAC 388-513-1395."

WAC 388-513-1325 Determining available income for a single client for long-term care (LTC) services.

5. The following text was added as subsection (2)(f): "WAC 388-513-1315 (15) and (16), Eligibility for long-term care (institutional, waived, and hospice) services."

WAC 388-513-1330 Determining available income for legally married couples for long-term care (LTC) services.

6. The following text was added as subsection (1)(f): "WAC 388-513-1315 (15) and (16), Eligibility for long-term care (institutional, waived, and hospice) services."

WAC 388-513-1350 Defining the resource standard and determining available resources for long-term care (LTC) services.

7. The following text is inserted as subsection (3)(d): "WAC 388-470-0060(6), Resources of an alien sponsor."

8. The maximum allocation amount and effective date described in subsection (6) is changed to "eighty-four thousand, one hundred and twenty dollars effective January 1, 2000."

WAC 388-513-1360 Determining excluded resources for long-term care (LTC) services.

9. The cross reference to WAC 388-470-0070 in subsection (3) is changed to: "WAC 388-470-0040(7)."

10. A cross reference to WAC 388-470-0020 is inserted in subsection (4).

WAC 388-513-1395 Determining eligibility for institutional or hospice services and for facility care only under the medically needy (MN) program.

11. The following text is inserted in subsection (4)(a): "as described in WAC 388-513-1325 and 388-513-1330."

WAC 388-515-1510 Community alternatives program (CAP) and outward bound residential alternatives (OBRA).

12. The following text is inserted into subsection (2)(b): "not allocated to participation in a prior month."

13. The text in subsection (5)(b)(i) is changed in the following way: "(i) A personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents; plus"

Upon further review the originator realized that an inclusion of the language now deleted would have resulted in a change of policy. This adoption process precludes any such action.

WAC 388-515-1530 Coordinated community AIDS services alternatives (CASA) program.

14. The following text is inserted into subsection (2)(b): "not allocated to participation in a prior month."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 11, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 11, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 11, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-02 issue of the Register.

WSR 00-01-055

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed December 9, 1999, 1:03 p.m.]

Date of Adoption: December 3, 1999.

Purpose: To update the number of board of trustee members; direct requests for information regarding educational offerings through the Western Washington University Admissions Office.

Citation of Existing Rules Affected by this Order: Amending chapter 516-133 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 99-19-081 on September 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: Correction in first paragraph making an "a" an "an."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 6, 1999

Gloria A. McDonald
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-133-020 Organization—Operation—

Information. (1) Organization. Western Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by an ~~((seven))~~ eight-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Old Main 450, WWU
516 High Street
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. ~~((Educational operations are also located at the following addresses:~~

~~Shannon Point Marine Center
1900 Shannon Point Road
Anacortes, WA 98221~~

~~Center for Apparel Design &
Fashion Merchandising
217 Pine, Suite 600
Seattle, WA 98101~~

~~TESC WWU Teachers' Education Program
The Evergreen State College
Olympia, WA 98505~~

~~WWU Seattle Urban Center
1801 Broadway, Room NP-101
Seattle, WA 98122))~~

(3) Information. Additional and detailed information concerning the educational offerings and sites may be

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obtained from the catalog, copies of which are available at the following address:

Registrar/Admissions Office
Old Main 200, WWU
516 High Street
Bellingham, WA 98225

WSR 00-01-057
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed December 10, 1999, 8:55 a.m.]

Date of Adoption: December 9, 1999.

Purpose: To clarify current variance practices and align our rules with statutory requirements; to correct a gasoline station reference; and to remove redundant definitions.

Citation of Existing Rules Affected by this Order: Amending Reg. I - Sections 4.01, 4.02, 4.03; Reg. II - Section 2.07; and Reg. III - Sections 1.08, 3.01.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 99-22-102 on November 3, 1999.

Changes Other than Editing from Proposed to Adopted Version: Removed the reference to Article 8 from Section 4.01(b) and moved it to Section 4.01 (b)(2). Changed the word "burning" to "variance" under Section 4.01 (b)(1).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 9, 1999

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 4.01 VARIANCES

(a) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who owns or controls like processes or like equipment, or any material subject to Article 8 of this regulation, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration, or

extent of discharge of air contaminants. The application shall be accompanied by such information and data as the Board may require. ~~((The hearing held hereunder shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereafter amended.))~~ The total time period for a variance and renewal of such variance shall not exceed 1 year. Variances to state rules shall require the approval of the Department of Ecology. The Board may grant such variance, but only after public hearing ~~((or))~~ or due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(2) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(b) In addition to the requirements of Section 4.01(a) above, applications seeking a variance shall not be considered complete unless the applicant provides:

(1) A list of interested parties and neighbors within 500 feet or more of the property on which the variance is proposed to occur, as deemed necessary by the Air Pollution Control Officer; and

(2) For a variance from Article 8 of this regulation, written estimates of the cost of removing, recycling, or reducing the material in place versus burning the material.

~~((b))~~ (c) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. The Air Pollution Control Officer shall conduct a fact-finding public hearing, upon due notice being published and sent to all interested parties within 500 feet of the property on which the variance is proposed. The Air Pollution Control Officer may require notice to parties beyond 500 feet if deemed necessary. A 30-day advance public notice shall be published in a newspaper of general circulation in the area of the proposed variance and shall include the following information:

(1) The time, date, and place of the hearing;

(2) The name and address of the owner or operator and the source;

(3) A brief description of the variance request; and

(4) The deadline for submitting written comments to the Agency.

(d) After the hearing is held, the Air Pollution Control Officer shall make written findings and forward same with a recommended decision on the variance to the Board. The Board shall take action at a regular board meeting.

~~((e))~~ (e) Any variance or renewal thereof shall be granted within the requirements of Section 4.01(a) and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the Board may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirement or requirements from

which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Section 4.01((e))(1) and 4.01((e))(2), it shall be for not more than 1 year.

(f) In addition to the criteria provided by state and federal statutes, the Air Pollution Control Officer may consider the following factors in making findings regarding requests seeking a variance from Article 8 of this regulation:

(1) Unusual individual sites, such as those that are bisected by the no-burn boundary; and

(2) Unusual economic factors, such as extremely high costs for recycling or hauling, that are attributable to some site-specific condition; and

(3) Whether burning in place would be of lower risk or harm to the environment than either removal or reduction in place (chipping, composting, or decay) in such areas as drainages, steep slopes, beaches, and other inaccessible points.

((d)) (g) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least 60 days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

((e)) (h) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board may obtain judicial review thereof only under the provisions of Chapter 34.05 RCW as now or hereafter amended.

((f)) (i) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or his or her property.

((g) An application for a variance, or for the renewal thereof, submitted to the Board pursuant to this section shall be approved or disapproved by the Board within 65 days of receipt unless the applicant and the Board agree to a continuance.)

((h)) (j) Variances approved under this section shall not be included in orders or permits provided for in ((Section 301, Chapter 199 Laws of 1991 or RCW 70.94.152)) RCW 70.94.161 until such time as the variance has been accepted

by the United States Environmental Protection Agency as part of an approved State Implementation Plan.

AMENDATORY SECTION

REGULATION I SECTION 4.02 ((VARIANCES FROM SECTION 8.03 OF REGULATION I)) BURNING OF STORM OR FLOOD-RELATED DEBRIS

The Control Officer may allow outdoor burning for the exclusive purpose of managing storm or flood-related debris if all other alternatives for disposal of the material would pose a greater danger to the public health and safety or the environment than burning. The request to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.660 or 70.94.755. If outdoor burning is allowed, a permit shall be required. All conditions and restrictions pursuant to RCW 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this section.

((a) Any person who owns or is in control of any material subject to Section 8.03 of Regulation I may apply to the Agency for a variance from said regulation. The application shall be accompanied by such information as the Agency may require.

(b) The Control Officer may waive Section 8.03 of Regulation I for emergency situations (such as earthquakes, floods, or other unforeseen catastrophic situations) if all other alternatives for disposal of the material would pose a greater danger to public health and safety or the environment than burning. The Air Pollution Control Officer shall consult with the local jurisdictions to determine the necessity for the waiver and geographic extent of the emergency. Notice of the approval shall be published in a local general circulation newspaper and anyone aggrieved by the decision may, within 10 days of the publication, appeal the action to the Board.

(c) For outdoor burning variance applications, the Air Pollution Control Officer is directed by the Board to conduct a fact-finding public hearing, upon due notice being published and sent to all interested parties within 500 feet of the property on which the burning is proposed to occur. The Air Pollution Control Officer can require notice to parties beyond 500 feet if deemed necessary. The Air Pollution Control Officer shall make written findings and forward same with a recommended decision to the Board. The Board shall enter its decision at a regular public meeting.

(d) In addition to the criteria provided by state and federal statutes, the Air Pollution Control Officer may consider the following additional factors in making findings on a variance request:

(1) Unusual individual sites, such as those that are bisected by the no-burn boundary; and

(2) Unusual economic factors, such as extremely high costs for recycling or hauling, that are attributable to some site-specific condition; and

(3) Whether burning in place would be of lower risk or harm to the environment than either removal or reduction in place (chipping, composting, or decay) in such areas as drainages, steep slopes, beaches, and other inaccessible points.

(e) No variance application under Section 4.02(e) will be considered complete unless the applicant provides:

~~(1) A list of interested parties and neighbors within 500 feet or more of the property on which the burning is proposed to occur, as deemed necessary by the Air Pollution Control Officer; and~~

~~(2) Written estimates of the cost of removing, recycling, or reducing the material in place versus burning the material.~~

~~(f) All hearings held under Section 4.02(e) shall be conducted in accordance with the Rules of Evidence as set forth in RCW 34.05.100 as now or hereafter amended.)~~

AMENDATORY SECTION

REGULATION I SECTION 4.03 FILING FEES

~~((a)) A fee of \$1,000.00 shall be paid to the Agency upon the filing of any variance application ((considered under Section 4.01 of Regulation I)). The applicant shall also pay all costs associated with any legal notice upon being invoiced by the Agency.~~

~~((b) The property owner or agent claiming an emergency under Section 4.02(b) shall pay all costs associated with any legal notice upon being invoiced by the Agency.~~

~~(c) A fee of \$25.00 shall be paid to the Agency upon the filing of any variance application for fires described in Section 8.02 (c)(4) of Regulation I which would be on property of at least 5 contiguous acres which are not within the anticipated county urban growth area. The applicant shall also pay all costs associated with any legal notice upon being invoiced by the Agency.~~

~~(d) A fee of \$1,000.00 shall be paid to the Agency upon the filing of any variance application for fires other than those described in Section 4.03(e) of Regulation I. The applicant shall also pay all costs associated with any legal notice upon being invoiced by the Agency.)~~

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE STATIONS

(a) **Applicability.** This section shall apply to all facilities that load gasoline into the fuel tanks of motor vehicles, marine vessels, or aircraft directly from stationary storage tanks.

(1) Stage 1 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons:

(A) Installed after January 1, 1979; or

(B) Located at facilities with a gasoline throughput greater than 200,000 gallons per calendar year.

(2) Stage 2 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons (except those used exclusively for aviation or marine gasoline):

(A) Installed after August 2, 1991;

(B) Located at facilities in King, Pierce, and Snohomish Counties with a gasoline throughput greater than 600,000 gallons per calendar year; or

(C) Located at facilities in Kitsap County with a gasoline throughput greater than 840,000 gallons per calendar year.

(b) **Stage 1 Requirements.** It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless:

(1) The stationary storage tank is equipped with a submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements; and

(2) The system is visually inspected after each product delivery and any equipment found to be defective (e.g., loose caps or adaptors, stuck poppet valves, damaged gaskets) is repaired or replaced as soon as possible but no later than 7 days after the inspection.

(c) **Stage 2 Requirements.** It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from the stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless:

(1) The stationary storage tank and dispenser are equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;

(2) Operating instructions are conspicuously posted and include a warning against topping off and the Department of Ecology's toll-free telephone number for complaints about the system;

(3) The system is inspected on a weekly basis and any equipment found to be defective (e.g., torn bellows, mini-boots or hoses, leaking spouts, swivels or hoses, missing latch coils, stiff swivels) is taken out of service until repaired or replaced; and

(4) The system is tested for compliance with its certification requirements (e.g., pressure decay, back-pressure, air/liquid ratio) and any equipment found to be defective is repaired/replaced and retested for compliance within 30 days. In the event that repair and retesting of defective equipment cannot be accomplished within 30 days, a 30-day extension may be granted in writing, provided that the owner or operator demonstrates in advance to the Control Officer that the equipment is being repaired and retested as soon as possible.

(d) **Compliance Tests.** Compliance with the requirements in Section 2.07 (c)(4) of this regulation shall be achieved no later than July 1, 2000. Tests shall be performed in accordance with the test methods and Executive Orders of the California Air Resources Board in effect July 1, 1998. (Testing frequencies are specified in the Executive Orders.) These tests shall be exempt from the requirements of Section 3.07 of Regulation I ((this regulation)). However, notification of the test date shall be submitted to the Agency at least 5 days in advance of the test and copies of all test results shall be kept on site for at least 2 years from the date of the test.

AMENDATORY SECTION

REGULATION III SECTION 1.08 SPECIAL DEFINITIONS

(a) **ACCEPTABLE SOURCE IMPACT LEVEL (ASIL)** means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality

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impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of this Regulation III.

~~((b)) AMPERE HOURS means the integral of electrical current applied to a plating or anodizing tank (amperes) over a period of time (hours).~~

~~((c)) ANTI-MIST ADDITIVE means a chemical which reduces the hexavalent chromium emission rate from a tank.~~

~~((d)) CHROMIC ACID ANODIZING means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.~~

~~((e)) CHROMIC ACID PLATING means an electrolytic process by which chromium is deposited on a base metal surface.~~

~~((f)) (b) COLD SOLVENT CLEANER or COLD CLEANER means a degreasing tank in which a solvent with a true vapor pressure greater than 4.2 kPa (0.6 psia) is not heated at or above the boiling point.~~

~~((g)) (c) ETHYLENE OXIDE AERATOR means any equipment, space, or room in which air is used to remove residual ethylene oxide from sterilized materials.~~

~~((h)) (d) ETHYLENE OXIDE STERILIZER means any chamber or related piece of equipment that uses ethylene oxide or an ethylene oxide mixture in any sterilization or fumigation process.~~

~~((i)) (e) FREEBOARD RATIO means the freeboard height (the distance from the top of the degreaser to the air/solvent vapor interface) divided by the width (lesser horizontal dimension) of the degreaser (measured at the top).~~

~~((j)) (f) REFRIGERATED FREEBOARD CHILLER means a set of cooling coils situated above the condenser which operates at 2°C or less.~~

~~((k)) (g) TOXIC AIR CONTAMINANT (TAC) means any air contaminant listed in Appendix A of this Regulation III (or listed in the Administrative Regulations of the United States of America in 40 CFR Part 372, Subpart D, as both now exist or are hereinafter amended, and both of which by this reference are incorporated herein and made a part hereof).~~

~~((l)) (h) VAPOR DEGREASER means a degreasing tank in which the solvent is heated at or above the boiling point.~~

AMENDATORY SECTION

REGULATION III SECTION 3.01 HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING

(a) **Applicability.** This section applies to hard and decorative chromium electroplating and chromium anodizing tanks, except tanks issued an Order of Approval under Regulation I, Section 6.07, for exclusive use in research and development.

(b) **Definitions.** The following definitions apply to this section:

AMPERE-HOURS means the integral of electrical current applied to a plating or anodizing tank (amperes) over a period of time (hours).

CHROMIUM ANODIZING means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

DECORATIVE CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically equal to or less than 1 micron, is deposited on a base material using a solution containing chromic acid or trivalent chromium. Current density applied is typically less than 2,400 amperes per square meter of electroplated part and total plating time is typically less than 5 minutes.

HARD CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically greater than 1 micron, is deposited on a base material using a solution containing chromic acid. Current density applied is typically greater than 1,600 amperes per square meter of electroplated part and total plating time is typically greater than 20 minutes.

(c) **Hard Chromium Electroplating Standards.** It shall be unlawful for a person to cause or allow the operation of a hard chromium electroplating tank unless the tank is equipped with control equipment that limits total chromium emissions to less than the following applicable limit:

Affected Tanks	Emission Limit (mg total chromium/dscm)
Hard Chromium Electroplating located at a facility with a maximum cumulative potential rectifier capacity of less than 60 million ampere-hours/year and installed prior to December 15, 1993 (potential rectifier capacity may be limited by an Order under Section 6.07 or Section 3.03 of Regulation I)	0.03
Hard Chromium Electroplating, all others	0.015

(d) **Decorative Chromium Electroplating and Chromium Anodizing Standards.** It shall be unlawful for a person to cause or allow the operation of a decorative chromium electroplating or chromium anodizing tank unless total chromium emissions are controlled using either of the following control techniques:

(1) The tank shall be equipped with control equipment that limits total chromium emissions to less than 0.01 milligrams per dry standard cubic meter; or

(2) A wetting agent shall be employed that reduces the bath surface tension to less than 45 dynes/cm. Bath surface tension must be measured and recorded weekly with a stalagmometer or tensiometer operated and maintained in accordance with the manufacturer's specifications.

(e) **Operation and Maintenance Requirements.** Chromium electroplating or anodizing tanks using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation must be operated in accordance with an Order of Approval under Section 6.07 of Regulation I, or an Order issued by the Board under Section 3.03 of Regulation I, which specifies operating and maintenance procedures, monitoring, recordkeeping, and reporting requirements consistent with the federal standards for hard and decorative chromium electroplating and chromium anodizing in 40 CFR Part 63, Subpart N. Compliance with this section is required by January 25, 1997.

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(f) **Performance Testing Requirements.** It shall be unlawful for a person to cause or allow the operation of a chromium electroplating or chromium anodizing tank using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation unless compliance with the emission limit has been demonstrated with an on-site performance test conducted in accordance with 40 CFR Part 63, Subpart N. Performance testing shall be performed no later than July 24, 1997.

WSR 00-01-058
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 10, 1999, 9:32 a.m.]

Date of Adoption: December 10, 1999.

Purpose: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02; in addition, to implement ESB 5649.

Citation of Existing Rules Affected by this Order: Amending WAC 308-61-026, 308-61-105, 308-61-108, 308-61-115, 308-61-125, 308-61-135, 308-61-145, 308-61-158, 308-61-168, 308-61-175, 308-61-185, and 308-61-190.

Statutory Authority for Adoption: RCW 46.55.190.

Adopted under notice filed as WSR 99-21-071 on October 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 12, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 10, 1999

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

WAC 308-61-026 Definitions—Registered tow truck operator. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW and must be notarized. The affidavit may be submitted to the department with

an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by ~~((a physical barrier at least as strong as one strand of chain, cable or))~~ a six-foot fence which will not require barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is ~~((leveled))~~ graded and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document sent by the operator to the registered owner, legal owner (lien holder) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-105 Application. What information must be included in an application for registration of a tow truck operator? The application for registration of a tow truck operator shall include:

(1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.

(2) A current listing of the towing and storage rates of the operator on a form ~~((provided))~~ prescribed by the department.

(3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

AMENDATORY SECTION (Amending WSR 90-01-060, filed 12/18/89, effective 1/18/90)

WAC 308-61-108 ((General)) Miscellaneous licensing provisions. (1) Staggered licensing - the annual registra-

tion issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address - the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Changes of ownership - any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration except in the case of a corporation or a limited liability company.

(6) An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

(7) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a registration unless such a hearing is requested.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-115 Identification of licensee's vehicles.
How must a registered tow truck operator identify its vehicles?

(1) All tow vehicles to be used in the operator's business which are operated on the public highways, shall display the licensee's operator number plus the truck number, name, city of address and current business telephone number. Such information shall be painted or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-125 Business hours. What business hours must a registered tow truck operator maintain?

(1) Business hours, for purposes of inspection of business records, place of business or towing equipment, shall be 8:00 a.m. to 5:00 p.m. except for weekends and holidays. Normal business hours shall be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator shall post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property shall be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

WAC 308-61-135 ((General)) Miscellaneous provisions. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form (~~furnished~~) prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(7) Information contained in the master log shall include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;

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- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of ~~((excess))~~ surplus funds ~~((and date the disposition notice was sent to the Washington state patrol))~~.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-145 Specifications and posting of signs. How is the posting of signs on private and public property handled?

- (1) Signs shall measure at least 15" by 24" and the lettering thereon shall be clearly visible to all who park.
- (2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs shall meet the same requirements as in the posting of private nonresidential property.

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-158 Storage of vehicles. How shall the registered tow truck operator handle stored vehicles?

- (1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished. The operator shall not remove parts or equipment which are affixed to the vehicle.
- (2) A vehicle being held for storage by agreement or being held under police authority, other than a suspended license impound, or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement~~((;))~~ or under police hold, other than a suspended license impound, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold other than a suspended license impound, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.
- (3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.
- (4) When a vehicle is being held pursuant to a suspended license impound, and the vehicle is not redeemed even after the payment of a security deposit, and upon expiration of the hold, the operator shall send the notice provided in RCW 46.55.110(2) and schedule its auction accordingly.
- (5) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

~~((5))~~ (6) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

WAC 308-61-168 Disputed impound. What should the registered tow truck operator do when a court hearing has been requested?

(1) Where a timely request has been made for a district or municipal court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle at public auction shall not take place until after the court has disposed of the request.

~~(2) ((For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a license unless such a hearing is requested.~~

~~(3))~~ (3) The administrative hearings officer, provided in RCW 46.55.240 (1)(d), shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

~~((4))~~ (3) Operators shall maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

AMENDATORY SECTION (Amending WSR 91-20-121, filed 9/30/91, effective 10/31/91)

WAC 308-61-175 Procedures for selling vehicles. How should a registered tow truck operator properly identify a vehicle in its custody and prepare for a vehicle auction?

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted. The publisher need not reside in that same county.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of an unidentified vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

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(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the ~~((excess))~~ surplus funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

(9) The three-hour public viewing period required in RCW 46.55.130(1) shall be held at all times during daylight hours.

(10) Auctions may be held on Saturdays or Sundays which are not legal holidays.

AMENDATORY SECTION (Amending WSR 91-20-121, filed 9/30/91, effective 10/31/91)

WAC 308-61-185 Lien provisions. What charges are proper for the registered tow truck operator to include in the towing and storage lien?

(1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

(3) No operator shall increase the daily storage rate charged for an unauthorized or abandoned vehicle in his/her custody between the time the vehicle is impounded and then redeemed or auctioned.

AMENDATORY SECTION (Amending WSR 90-01-060, filed 12/18/89, effective 1/18/90)

WAC 308-61-190 After sale. What documentation follows the abandoned vehicle auction and who may claim surplus auction funds?

(1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to ~~((section 13(g)))~~ RCW 46.55.130 (2)(h):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing and shall be notarized.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

WSR 00-01-061

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 13, 1999, 11:19 a.m.]

Date of Adoption: December 13, 1999.

Purpose: The purpose of the rule adoption is to better meet the intention of chapter 18.185 RCW and to clarify the procedures required by law.

Citation of Existing Rules Affected by this Order: Amending chapter 308-19 WAC.

Statutory Authority for Adoption: Chapter 18.185 RCW.

Adopted under notice filed as WSR 99-21-048 on October 18, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 4, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 16, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 16, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 13, 1999

Alan Rathbun

Assistant Director

Business and Professions Division

PERMANENT

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by chapter ((260, Laws of 1993)) 18.185 RCW, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-020 Organization. The department of licensing administers the Washington bail bond license law, chapter ((260, Laws of 1993)) 18.185 RCW. Submissions and requests for information regarding bail bond agency licenses and bail bond agent licenses may be sent in writing to the Bail Bond Program, Business and Professions Division, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter ((260, Laws of 1993)) 18.185 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning. Also see RCW 18.185.010 for other definitions.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

(3) "Bail bond" means the contract between the defendant, the surety and/or the court to insure the appearance of the accused before the court(s) at such time as the court may direct. These bonds may require annual renewal.

(4) "Property bond agent" means a surety that posts security in the form of personal or real estate for compensation to assure the appearance of a defendant.

(5) "Surety" as it relates to bail bonds, means the depositor/owner of cash if a cash bail bond, the property owner(s) if a property bond, the insurance company if a corporate surety bond, that guarantees performance of the bail bond contract for compensation.

(6) "Principal/defendant" means the accused, for whom a bail bond may be obtained.

(7) "Exonerate" means the discharging of the bail bond by the court.

(8) "Indemnitor" means the person placing security with an agency/agent, to secure the agency against loss for the release of a defendant(s) on a bail bond.

(9) "Clients" means defendants and indemnitors.

(10) "Affidavit" means a written statement made under oath as provided in RCW 10.19.160.

(11) "Indemnity agreement" means the contract signed by the indemnitor that states the obligations the indemnitor(s) is/are assuming.

(12) "Collateral receipt" means an accurate description of the security given to an indemnitor by the receiving agency's agent, in its fiduciary capacity, listing all collateral given as security for a bail bond and held by the agency/agent until the bail bond is exonerated by the court or a forfeiture occurs. The receipt shall name the owner of the collateral, the defendant, and the bond number, and specify the terms for redemption of the collateral including any fees charged for storage.

(13) "Surrender form" means the form used to return to custody a defendant for violation of bond conditions, and the indemnitor's withdrawal from a bail bond with an affidavit in accordance with RCW 10.19.160, or a letter of forfeiture from a court in accordance to the bail contract.

(14) "Letter of forfeiture" means a notice in varied forms, sent to a bail bond agency/branch office, advising the agency/branch office that a defendant who has secured a bail bond with that agency has failed to appear on a given date in a given court in accordance with RCW 10.19.090. The court has made a demand for the surrender of the defendant, or payment of the face amount of the bond by a given date.

(15) "Letter of demand" means any form of notice to the indemnitor/defendant that the collateral placed in trust has come under jeopardy because of a failure to appear or violation of bail.

(16) "Corporate surety bail bonds" means a bail bond contract that is guaranteed by a domestic, foreign or alien insurance company which has been qualified to transact surety insurance business in Washington state by the insurance commissioner.

(17) "Build-up fund" (also known as "BUF fund" or "escrow fund" or "trust fund") means that percentage of money obtained from collected premiums paid by the agent to the corporate surety company for the purpose of indemnifying the corporate surety from loss caused by the agent.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-100 ((Bail bond agency applications—Conditions.)) How do I apply for a bail bond agent license? ((Any person desiring to obtain a bail bond agency license must substantiate the experience requirements in chapter 260, Laws of 1993, section 4 or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-19-130.

(2) If the applicant is the qualified agent of a corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualified agent of a foreign corporation, he or she shall furnish a copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a

partnership or limited partnership, each partner shall apply, qualify and furnish their addresses.

~~(3) When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees. When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional fees.)~~ An applicant for a bail bond agent license must first meet the requirements stated in the bail bond agents law, RCW 18.185.020. After the applicant meets the requirements he/she shall:

- (1) Complete an application for a license on a form provided by the department of licensing.
- (2) Inform the department if he/she has an insurance surety license and with what company he or she is affiliated.
- (3) Pay a fee or fees as listed in WAC 308-19-130.

NEW SECTION

WAC 308-19-105 How do I apply for a bail bond agency license? To qualify for a bail bond agency license you must:

(1) Meet and complete the requirements of the bail bond agent license and; prove your work experience as required under RCW 18.185.030 (1)(b). Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting. If you do not have the required work experience you must train and pass an examination that shall follow the training and examination requirements as stated under Part D, WAC 308-19-300.

- (2) Complete an application for an agency license on a form provided by the department of licensing.
- (3) Pay a fee or fees as required by WAC 308-19-130.
- (4) Obtain a bond for the main office as required by RCW 18.185.070.

NEW SECTION

WAC 308-19-107 What are the requirements and responsibilities of the qualified agent? The qualified agent shall be responsible for all transactions, recordkeeping, and the employees of each office he or she is licensed as the qualified agent.

If the agency or branch agency is to be a corporate surety or property agency, the agency, or branch agency qualified agent shall disclose the surety(s) name, address, the attorney in fact, and in whose name the build-up fund is in.

If an agency changes or takes another corporate surety, the director shall be advised immediately by the qualified agent.

If the agency provides security in the form of real property, the qualified agent shall advise the director of the names of the court(s) that have given approval for the placing of property bonds.

If the applicant for qualified agent represents a corporation, he or she shall furnish a copy of the articles of incorpo-

ration, and a list of officers and directors and their addresses to the director.

If the applicant for a qualified agent represents a foreign corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses to the director.

If the applicant is a partnership or limited partnership, each partner shall apply, qualify and furnish their addresses to the director.

When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees.

When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional license fees.

When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional license fees.

Any agency going out of business in the state of Washington shall continue to be obligated on all outstanding bonds until the director receives notification from the jurisdiction in which the agency/branch offices are located that all bonds have been exonerated and the department of licensing has received no complaints from indemnitor about the return of collateral. The director may require an audit of the closing agency at any time upon notification of the closing of the agency.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-110 How do I apply for a bail bond agency branch office license? ~~(Conditions?)~~ A licensed bail bond agency ~~(desiring to)~~ may establish a branch office ~~((must apply and obtain a bail bond branch office license and pay the required fee))~~ by meeting the following requirements.

- (1) Each branch office shall have a licensed qualified agent.
- (2) Complete an application form provided by the department of licensing.
- (3) Pay the fee or fees as required under WAC 308-19-130.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-140 ~~((Expiration and renewal of licenses))~~ When will my license expire and how do I renew my license? (1) Licenses issued to bail bond agents expire on their respective birth dates. However, if an application for the bail bond agent license is received by the department of licensing within ninety days from the applicant's birthdate, the license issued shall not expire until the next birthdate.

(2) Licenses issued to bail bond agencies expire on December 31 each year. Licenses must be renewed each year on or before the date established herein and a renewal license

fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No agent or agency shall engage in the sale or issuance of bail bonds if their license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-150 (~~(Bail bond agent — Termination of services.)~~) **What happens to my agent license when I leave the bail bond agency I work for?** (1) A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency. ~~((This relationship may be terminated unilaterally by either the agency or the agent. Notice of such termination shall be by the agency's qualified agent to the director without delay and such notice shall be accompanied by, and include the surrender of, the agent's license held by the agency. Notice of termination shall be provided by signature of the agency's qualified agent on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department.))~~

(2) Either the agency or agent may cancel this relationship. The agency's qualified agent must send a written notice of the cancellation to the department of licensing immediately and include the agent's license held by the agency. Notice of cancellation shall be provided by signature of the agency's qualified agent on the surrendered license. The cancellation date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department explaining why the license has been lost and for how long the license has not been on display.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-160 (~~(Inactive license.)~~) **What happens to my bail bond agent license when I am not working?** (1) Any license issued under chapter ~~((260, Laws of 1993))~~ **18.185 RCW**, and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with ~~((the rules adopted pursuant to chapter 260, Laws of 1993))~~ **chapter 18.185 RCW**.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any examination and education requirements.

(4) The provisions of chapter ~~((260, Laws of 1993))~~ **18.185 RCW** relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-200 (~~(Filing of licenses.)~~) **Where do I keep the agency and agent licenses for my bail bond business?** Licenses of all bail bond agency and bail bond agents shall be ~~((on file))~~ **kept** in the office located at the address appearing on the license.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-210 (~~(Change of office location.)~~) **What do I need to do if I move my business?** The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved or provided by the department.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-220 (~~(Licensee's responsibilities.)~~) **What are my responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC?** It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter ~~((260, Laws of 1993))~~ **18.185 RCW**.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-230 (~~(Complaint notification.)~~) **What if my bail bond agency or a bail bond agent is the subject of a criminal complaint or action?** Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the bail bond program, business and professions division, department of licensing of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-240 (~~(Records.)~~) **What records are a bail bond agency and branch office required to keep?** The following requirements and prohibitions apply to all records and documents required to be maintained by chapter (~~(260, Laws of 1993)~~) 18.185 RCW, or in these rules:

- (1) They shall be maintained in accordance with generally accepted accounting practices.
- (2) No person shall make any false or misleading statement, or make false or misleading entry, or willfully fail to make any entry required to be maintained or made, in any such record or document.
- (3) No person shall willfully fail to produce any such record or document for inspection by the department.
- (4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:
 - (a) Bank trust account records;
 - (b) Duplicate receipt book or receipt journal;
 - (c) Prenumbered checks;
 - (d) Check register or cash disbursement journal;
 - (e) Validated bank deposit slips;
 - (f) Reconciled bank monthly statement (client liability vs bank statement);
 - (g) All cancelled checks;
 - (h) All voided checks;
 - (i) ~~(Client's information file which indicates client's name, dates of transactions, amount received, amount disbursed, current balance, check number, receipt number, and item(s) covered.)~~ "Client information" which includes defendant's name, application, dates of transactions, amount received, amount disbursed, current balance, check number, item(s) covered, indemnitor's agreement, and indemnity agreements, premium receipts, collateral receipt(s), letter(s) of forfeiture or surrender form(s), letter(s) of demand and affidavit(s), if surrendered before a forfeiture has occurred, and any written information or communication that may have influence on the bail bond or collateral placed for the bail bond;
 - (j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;
 - (k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions (~~(and)~~);
 - (l) Records of training and/or continuing education for each bail bond agents employed in that agency(~~(-)~~);

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (vi) name of the court (vii) date of exoneration of the bond.

~~((*)~~) (5) The above records shall be maintained for a minimum period of three years.

~~((5))~~) (6) All funds and monetary instruments received by the agency from (~~(the)~~) customers or clients in (~~(the)~~) business transactions shall be deposited into the trust account within three working days of receipt.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-250 (~~(Inspection and audit.)~~) **Is a bail bond agency subject to audit and inspection?** All records required to be maintained by a qualified agent of a bail bond agency by chapter (~~(260, Laws of 1993)~~) 18.185 RCW, or these rules, together with any other business or other types of records of a licensee which may be related to the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department of licensing, for the purposes of determining compliance or noncompliance with the provisions of chapter (~~(260, Laws of 1993)~~) 18.185 RCW, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in (~~(section)~~) subsection (1) (~~(above)~~) of this section, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-300 (~~(Minimum)~~) **What are the pre-license training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants(~~(s)~~)?** (1) The training and examination requirements for bail bond agent license applicants under (~~(chapter 260, Laws of 1993, section 7)~~) RCW 18.185.060, shall include, (~~(as)~~) at a minimum:

- (a) Four hours of training in the following subjects:
 - (i) Bail bond licensing laws;
 - (ii) Court procedures relating to bail bonds;
 - (iii) Criminal procedure, Title 10 RCW;

- (iv) Contracts and bail bond agreements;
- (v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property;
- (vi) Care and storage of personal property;
- (vii) Forfeiture of collateral, judgements and collection;
- (viii) Washington Insurance Code, Title 48 RCW;
- (ix) Laws relating to notary publics, chapter 42.44 RCW;
- (x) Contact with clients, courts and law enforcement;
- (xi) Sexual harassment.

(b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under ~~((chapter 260, Laws of 1993, section 4(a)))~~ RCW 18.185.030 (1)(a), shall include, as a minimum:

(a) All of the subjects as listed in ~~((section))~~ subsection (1)(a) ~~((above;))~~ of this section; and

(b) ~~((As))~~ At a minimum, the following subjects:

- (i) Recordkeeping and filing;
- (ii) Business licensing, taxation and related reporting and recordkeeping requirements.
- (iii) Personnel management;
- (iv) Laws relating to employment;
- (v) The Americans with Disabilities Act;

(3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in subsection (2)(a) and (b) of this section. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of fourteen days before reexamination.

(4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

(5) Every bail bond agent shall present to the director a letter stating training they have received while working as a trainee for an agency, including the name of the principal instructor before the director issues the person a bail bond license. This letter shall be signed by the qualified agent and shall also include a statement that the qualified agent is aware that they are taking responsibility for the agent.

AMENDATORY SECTION (Amending WSR 97-10-047, filed 5/1/97, effective 6/1/97)

WAC 308-19-400 ~~((Application of))~~ **What is a brief adjudicative proceeding**~~((s))~~? The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

AMENDATORY SECTION (Amending WSR 97-10-047, filed 5/1/97, effective 6/1/97)

WAC 308-19-410 ~~((Preliminary record in))~~ **What records are used in a brief adjudicative proceeding**~~((s))~~?

(1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

AMENDATORY SECTION (Amending WSR 97-10-047, filed 5/1/97, effective 6/1/97)

WAC 308-19-420 ~~((Conduct of))~~ **How is a brief adjudicative proceeding**~~((s))~~ **conducted**? (1) Brief adjudicative

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proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision, which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

NEW SECTION

WAC 308-19-430 False or misleading advertising. (1)

The department has authority to discipline bail bonds agents for advertising that is false, fraudulent or misleading, RCW 18.185.110(5). Every advertisement by a licensee that solicits or advertises business shall contain the name of the business exactly as stated on the bail bond agency license, the physical address of the business as stated on the bail bond agency license and, the bail bond agency license number. For purposes of providing the business name and telephone number only, single line telephone directory listings are not required to include the license number.

(2) No bail bond agency shall use fictitious names in any advertising, or telephone directory.

NEW SECTION

WAC 308-19-440 Standards of professional conduct.

(1) A bail bond agent shall maintain a detailed record of any collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral.

(2) A bail bond agent shall preserve or retain separately any collateral or to retain any collateral taken as security on any bond.

(3) A bail bond agent shall not have an outstanding judgment on a bail forfeiture, which judgment is or has been subject to execution on demand.

(4) A bail bond agent shall not use a relationship with any person employed by a jail facility to obtain referrals, or pay a fee or rebate or give or promise anything of value to any person having the power of arrest or having control of federal, state, county, or municipal prisoners, trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

(5) A bail bond agent shall not require as a condition of his/her executing a bail bond that the principal or defendant agree to engage the services of a specific attorney.

(6) A bail bond agent shall not prepare or issue forged bonds or a forged power of attorney.

(7) A bail bond agent shall not arrest or make a threat of arrest to a defendant when the defendant or the indemnitor fails to fulfill a promise to repay credit extended by the bail bond agent.

(8) A bail bond agent shall not pay a fee or rebate or give or promise anything of value to the principal or anyone on his or her behalf.

(9) A bail bond agent shall not pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered on behalf of the bail bond agent.

(10) A bail bond agent shall not pay a fee or rebate or pay for a referral except from another bonding company, or promise anything of value to a person in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond.

WSR 00-01-066

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed December 13, 1999, 3:56 p.m.]

Date of Adoption: November 19, 1999.

Purpose: These regulations are adopted for the purpose of ensuring eligible good samaritans can receive testing for certain infectious diseases at no cost to the good samaritan.

Statutory Authority for Adoption: Section 2, chapter 391, Laws of 1999.

Adopted under notice filed as WSR 99-20-062 on October 1, 1999.

Changes Other than Editing from Proposed to Adopted Version: Editing only to eliminate a redundant definition.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 7, 1999

Eric Slagle

for Mary C. Selecky

Secretary

PERMANENT

Chapter 246-138 WAC

TESTING OF GOOD SAMARITANS FOR CERTAIN INFECTIOUS DISEASES

NEW SECTION

WAC 246-138-001 Purpose. The purpose of this rule is to ensure eligible good samaritans may receive testing for certain infectious diseases at no cost to the good samaritan.

NEW SECTION

WAC 246-138-010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Certain infectious diseases" means hepatitis A virus (HAV), hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

(2) "Good samaritan" means a person rendering emergency care or transportation as described in RCW 4.24.300 and 4.24.310.

(3) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapters 70.05 and 70.08 RCW.

(4) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(5) "Exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease":

(a) For HBV, HCV, and HIV means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids; or

(iv) For HBV only, mucous membrane or nonintact skin exposure to saliva; or

(b) For HAV means physical contact resulting in oral exposure of the good samaritan to the feces of the person she/he was assisting.

NEW SECTION

WAC 246-138-020 How is a good samaritan eligible for no cost testing for certain infectious diseases? To receive no cost testing, a good samaritan must:

(1) Seek testing from the local health department of the county of her or his residence within thirty days of the exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(2) Have sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease as determined by the local health officer or

authorized representative, while rendering emergency care or transportation; and

(3) Be uninsured or have health insurance that does not cover most of the costs of testing.

NEW SECTION

WAC 246-138-030 What are the duties and responsibilities of the local health department? Local health departments, during regular hours of operation shall:

(1) Determine whether the good samaritan has sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(2) Determine which certain infectious diseases or other infectious diseases are appropriate to test for, which tests should be done and when the tests should be done, based on the nature and time of the exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease and the natural history of infection for the diseases in question;

(3) Offer counseling and testing, consistent with recommendations in the sixteenth edition 1995 of Control of Communicable Diseases Manual, edited by Abram S. Benenson, published by the American public health association, for those infectious diseases to which the good samaritan is determined to have sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(4) Obtain the informed consent of the good samaritan prior to testing;

(5) Provide the good samaritan with the results of the testing and the possible need for retesting;

(6) Refer the good samaritan to an appropriate health care provider for any subsequent needed care in the event of a positive test; and

(7) Maintain the confidentiality of those medical records as required by chapters 70.24 RCW and 246-100 WAC.

NEW SECTION

WAC 246-138-040 Limitations. Nothing in this chapter requires a local health department to provide health care services beyond the counseling, testing, and referral described in this chapter.

WSR 00-01-067

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed December 13, 1999, 4:00 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory section clarifies board intent that an administrator be full time and on site at the nursing home where the administrator is in charge.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-205.

Statutory Authority for Adoption: Chapter 18.52 RCW.

PERMANENT

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 99-20-058 on October 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes
Program Manager

AMENDATORY SECTION (Amending WSR 95-07-128, filed 3/22/95, effective 4/22/95)

WAC 246-843-205 Standards of conduct. Licensed nursing home administrators shall be on-site full time and in active administrative charge of the licensed nursing home, as licensed under chapter 18.51 RCW, in which they have consented to serve as administrator.

WSR 00-01-068

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 13, 1999, 4:03 p.m.]

Date of Adoption: December 13, 1999.

Purpose: To explain the application of the B&O, retail sales, and use taxes to persons who sell, manufacture (for their own use), and/or use dunnage. This rule is being revised to correct an incorrect statutory reference.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-117 Sales and/or use of dunnage.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 99-20-020 on September 27, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 13, 1999

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 93-19-019, filed 9/2/93, effective 10/3/93)

WAC 458-20-117 Sales and/or use of dunnage. (1)

Introduction. This (~~section~~) rule explains Washington's B&O tax, retail sales tax, and use tax to the sale or use of dunnage.

(a) The term "dunnage" means any material used for the purpose of protecting or holding in place cargo or freight during transportation by any carrier of property, and which is not an integral part of the carrier itself. Dunnage includes, but is not limited to, wood blocks, stakes, separating strips, timber, double decks, false floors, door shields, bulkheads, and other bracing. Dunnage generally does not remain with the cargo that is being transported and will not be delivered to the person who will ultimately receive the cargo. On the other hand, packing materials are generally part of the total package containing the cargo and are ultimately delivered to the customer as part of the cargo or merchandise.

(b) Persons selling dunnage to air, rail, or water carriers operating in interstate or foreign commerce should also refer to WAC 458-20-175. Persons selling or purchasing packing materials should refer to WAC 458-20-115 (Sales of packing materials and containers).

(2) **Business and occupation tax.** The B&O tax applies as follows to sales of dunnage.

(a) **Wholesaling**(~~(—Other)~~). The wholesaling(~~(—other)~~) tax applies to the gross proceeds derived from sales of dunnage to persons who resell the dunnage, without intervening use.

(b) **Retailing of interstate transportation equipment.** This B&O tax classification applies to sales of dunnage to air, rail, and water carriers. These sales are exempt from retail sales tax because of the provisions of RCW 82.08.0261.

(c) **Retailing.** The retailing tax applies to sales of dunnage to motor carriers and all other consumers.

(3) **Retail sales tax.** The retail sales tax generally applies to the sale of dunnage to consumers. This includes situations in which the purchaser may initially use the materials for dunnage and then resell the materials after they have served that purpose. RCW 82.08.0261 does provide a retail sales tax exemption for sales of tangible personal property, including dunnage, to air, rail, and water carriers operating in interstate or foreign commerce. To substantiate a claim for this exemption, the seller must retain as part of its records the completed exemption certificate(s) prescribed by WAC 458-20-175.

However, air, rail, and water carriers are subject to use tax on dunnage used in Washington. (See below.)

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Air, rail, and water carriers engaged in interstate or foreign commerce should note that while the purchase of dunnage may qualify for the retail sales tax exemption provided by RCW 82.08.0261, the subsequent use in Washington of that dunnage is subject to use tax. These carriers should refer to WAC 458-20-175 to determine any potential use tax liability.

(b) Persons who manufacture the materials ((which)) they will use for dunnage, such as lumber manufacturers, are subject to use tax on the value of the dunnage and are also subject to the manufacturing B&O tax. These persons should refer to WAC 458-20-136 and WAC 458-20-112.

(5) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all ((of the)) facts and circumstances. Unless stated otherwise, these examples presume both seller and purchaser are located in Washington.

(a) BCD, Inc. provides stevedoring services within the State of Washington. BCD routinely ((purchases)) acquires lumber for use in securing cargo within the holds of ships during transport. While this lumber may be bolted or nailed to the ship, it is removed at the destination port when the cargo is off-loaded. BCD provides the lumber as a part of its overall stevedoring services, and does not make retail sales of the lumber to its customers.

BCD Inc. must pay retail sales tax when purchasing all such lumber. The lumber is used as dunnage and does not become an integral part of the ship, despite being bolted or nailed to the ship. If BCD has not paid retail sales tax on the acquisition of the lumber, it must remit the deferred sales or use tax directly to the department.

(b) D Company sells lumber and wood blocks to FG Engineering. FG is a manufacturer of equipment parts and uses the lumber and wood blocks as dunnage for the transportation of parts by rail to Montana. The lumber and wood blocks are salvaged and sold by FG after the transportation of the parts is completed.

The sale of the lumber and wood blocks to FG Engineering is a sale at retail, notwithstanding FG resells the dunnage materials in Montana. The use of the lumber and wood blocks as dunnage by FG Engineering is considered use as a consumer. D Company must collect and remit the retail sales tax, and report the gross proceeds of the sale under the retailing B&O tax classification.

(c) RB Lumber manufactures lumber in Washington which it ships by rail to customers in other states. RB Lumber takes irregular sized and other low quality lumber and uses it as dunnage in loading rail cars. Arrangements have been made with the rail carrier for the dunnage to be given away as firewood at the destination.

RB Lumber is subject to manufacturing B&O tax and also use tax on the value of the dunnage. If there is a compa-

table retail selling price for these materials, the value will be determined on that basis. If there is no comparable selling price, the value may be determined on the basis of cost of production as provided in WAC 458-20-112.

(d) KMB, Inc. sells lumber for use as dunnage to Western Rail, a common carrier operating by rail in multiple states. Some of the lumber will be first used in Washington and some will be transported to other states without intervening use for use in those states as dunnage. Western Rail may purchase the dunnage without payment of retail sales tax by giving the seller an exemption certificate as explained in WAC 458-20-175.

KMB, Inc. must report this sale under the retailing of interstate equipment B&O tax classification since Western Rail has claimed exemption for payment of the retail sales tax under RCW ((82-12-0261)) 82.08.0261. The seller must retain copies of the exemption certificates for five years. Western Rail must report use tax on the dunnage which is used in Washington.

WSR 00-01-069
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed December 13, 1999, 4:09 p.m.]

Date of Adoption: December 13, 1999.

Purpose: To explain that persons engaged in taxable business activities are responsible for registering with the Department of Revenue. This rule is being revised to incorporate statutory changes reflected in chapter 357, Laws of 1999, which changed the active nonreporting status threshold from \$24,000 to \$28,000 per year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-101 Tax registration and tax reporting.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 99-20-051 on September 30, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 13, 1999

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 97-08-050, filed 3/31/97, effective 5/1/97)

WAC 458-20-101 Tax registration and tax reporting.

(1) **Introduction.** This ~~((section))~~ rule explains tax registration and tax reporting requirements for the Washington state department of revenue as established in RCW 82.32.030 and 82.32.045. ~~((These statutes were amended by chapter 111, Laws of 1996, effective July 1, 1996.))~~ This ~~((section))~~ rule discusses who is required to be registered, and who must file excise tax returns. This ~~((section))~~ rule also discusses changes in ownership requiring a new registration, the administrative closure of taxpayer accounts, and the revocation and reinstatement of a tax reporting account with the department of revenue. Persons required to file tax returns should also refer to WAC 458-20-104 (Small business tax relief based on volume of business).

(2) **Persons required to obtain tax registration endorsements.** Except as provided in (a) of this subsection, every person who is engaged in any business activity for which the department of revenue is responsible for administering and/or collecting a tax or fee, shall apply for and obtain a tax registration endorsement with the department of revenue. (See RCW 82.32.030.) This endorsement shall be reflected on the face of the business person's registrations and licenses document. The tax registration endorsement is non-transferable, and valid for as long as that person continues in business.

(a) Registration under this ~~((section))~~ rule is not required if all of the following conditions are met:

(i) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW (business and occupation tax), is less than twelve thousand dollars per year;

(ii) A person's gross income from all business activities taxable under chapter 82.16 RCW (public utility tax), is less than twelve thousand dollars per year;

(iii) The person is not required to collect or pay to the department of revenue retail sales tax or any other tax or fee which the department is authorized to administer and/or collect; and

(iv) The person is not otherwise required to obtain a license or registration subject to the master application procedure provided in chapter 19.02 RCW. For the purposes of this ~~((section))~~ rule, the term "license or registration" means any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity.

(b) The term "tax registration endorsement," as used in this ~~((section))~~ rule, has the same meaning as the term "tax registration" or "certificate of registration" used in Title 82 RCW and other ~~((sections of))~~ rules in chapter 458-20 WAC.

(c) The term "person" has the meaning given in RCW 82.04.030.

(d) The term "tax reporting account number" as used in this ~~((section))~~ rule, is the number used to identify persons registered with the department of revenue.

(3) **Requirement to file tax returns.** Persons registered with the department must file tax returns and remit the appro-

priate taxes to the department, unless they are placed on an "active nonreporting" status by the department.

(a) The department may relieve any person of the requirement to file returns by placing the person in an active nonreporting status if all of the following conditions are met:

(i) The person's value of products (RCW 82.04.450), gross proceeds of sales (RCW 82.04.070), or gross income of the business (RCW 82.04.080), from all business activities taxable under chapter 82.04 RCW (business and occupation tax), is:

(A) Beginning July 1, 1999, less than twenty-eight thousand dollars per year (chapter 357, Laws of 1999); or

(B) Prior to July 1, 1999, less than twenty-four thousand dollars per year;

(ii) The person's gross income (RCW 82.16.010) from all business activities taxable under chapter 82.16 RCW (public utility tax)(;) is less than twenty-four thousand dollars per year; and

(iii) The person is not required to collect or pay to the department retail sales tax or any other tax or fee the department is authorized to collect.

(b) The department will notify those persons it places on an active nonreporting status. (A person may request to be placed on an active nonreporting status if the conditions of (a) of this subsection are met.)

(c) Persons placed on an active nonreporting status by the department are required to timely notify the department if their business activities do not meet any of the conditions explained in (a) of this subsection. These persons will be removed from an active nonreporting status, and must file tax returns and remit appropriate taxes to the department, beginning with the first period in which they do not qualify for an active nonreporting status.

(d) Persons that have not been placed on an active nonreporting status by the department must continue to file tax returns and remit the appropriate taxes.

(4) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all ~~((of the))~~ facts and circumstances.

(a) Bob Brown is starting a bookkeeping service. The gross income of the business is expected to be less than twelve thousand dollars per year. Due to the nature of the business activities, Bob is not required to pay or collect any other tax which the department is authorized to collect.

Bob Brown is not required to apply for and obtain a tax registration endorsement with the department of revenue. The conditions under which a business person may engage in business activities without obtaining the tax registration endorsement have been met. However, if Bob Brown in some future period has gross income ~~((which exceeds))~~ exceeding twelve thousand dollars per year, he will be required to obtain a tax registration endorsement. If Bob's gross income exceeds ~~((twenty-four))~~ twenty-eight thousand dollars per year, he will be required to file tax returns and remit the appropriate taxes.

(b) Cindy Smith is opening a business to sell books written for children to local customers at retail. The gross pro-

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ceeds of sales are expected to be less than twelve thousand dollars per year.

Cindy Smith must apply for and obtain a tax registration endorsement with the department of revenue. While gross income is expected to be less than twelve thousand dollars per year, Cindy Smith is required to collect and remit retail sales tax.

(c) Alice Smith operates a (~~(taxi-cab)) taxicab~~ service with an average gross income of eighteen thousand dollars per year. She also owns a management consulting service with an average gross income of fifteen thousand dollars per year. Assume that Alice is not required to collect or pay to the department any other tax or fee the department is authorized to collect. Alice qualifies for an active nonreporting status because her (~~(taxi-cab)) taxicab~~ income is less than the twenty-four thousand dollar threshold for the public utility tax, and her consulting income is less than the twenty-four thousand dollar threshold for the business and occupation (B&O) tax. If the department of revenue does not first place her on an active nonreporting status, she may request the department to do so.

(5) **Out-of-state businesses.** The B&O and public utility taxes are imposed on the act or privilege of engaging in business activity within Washington. RCW 82.04.220 and 82.16.020. Out-of-state persons who have established sufficient nexus in Washington to be subject to Washington's B&O or public utility taxes must obtain a tax registration endorsement with this department if they do not satisfy the conditions expressed in subsection (2)(a) of this (~~(section)) rule~~. Out-of-state persons required to collect Washington's retail sales or use tax, or who have elected to collect Washington's use tax, even though not statutorily required to do so, must obtain a tax registration endorsement.

(a) Persons with out-of-state business locations should not include income that is disassociated from their in-state activities in their computations for determining whether the gross income thresholds provided in subsection (2)(a)(i) and (ii) are satisfied.

(b) Out-of-state persons making sales into or doing business within Washington should also refer to the following (~~(sections of)) rules in chapter 458-20 WAC~~ for a discussion of their tax reporting responsibilities:

- (i) WAC 458-20-103 (Time and place of sale);
- (ii) WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property);
- (iii) WAC 458-20-193D (Transportation, communication, public utility activities, or other services in interstate or foreign commerce);
- (iv) WAC 458-20-194 (Doing business inside and outside the state); and
- (v) WAC 458-20-221 (Collection of use tax by retailers and selling agents).

(6) **Registration procedure.** The state of Washington initiated the unified business identifier (UBI) program to simplify the registration and licensing requirements imposed on the state's business community. Completion of the master application enables a person to register or license with several state agencies, including the department of revenue, using a single form. The person will be assigned one unified

business identifier number, which will be used for all state agencies participating in the UBI program. The department may assign the unified business identifier number as the taxpayer's revenue tax reporting account number, or it may assign a different or additional number as the revenue tax reporting account number.

(a) Persons completing the master application will be issued a registrations and licenses document. The face of this document will list the registrations and licenses (endorsements) which have been obtained.

(b) The department of revenue does not charge a registration fee for issuing a tax registration endorsement. Persons required to complete a master application may, however, be subject to other fees.

(c) While the UBI program is administered by the department of licensing, master applications are available at any participating UBI service provider location. The following agencies of the state of Washington participate in the UBI program (see RCW 19.02.050 for a more complete listing of participating agencies):

- (i) The office of the secretary of state;
- (ii) The department of licensing;
- (iii) The department of employment security;
- (iv) The department of labor and industries;
- (v) The department of revenue.

(7) **Temporary revenue registration certificate.** A temporary revenue registration certificate may be issued to any person who operates a business of a temporary nature.

(a) Temporary businesses, for the purposes of registration, are those with:

- (i) Definite, predetermined dates of operation for no more than two events each year with each event lasting no longer than one month; or
- (ii) Seasonal dates of operation lasting no longer than three months. However, persons engaging in business activities on a seasonal basis every year should refer to subsection (8) of this (~~(section)) rule~~.

(b) Each temporary registration certificate is valid for a single event.

(c) Temporary revenue registration certificates may be obtained by making application at any participating UBI agency office, or by completing a seasonal registration form.

(8) **Seasonal revenue tax reporting accounts.** Persons engaging in seasonal business activities which do not exceed two quarterly reporting periods each calendar year may be eligible for a tax reporting account with a seasonal reporting status. This is a permanent account until closed by the taxpayer. The taxpayer must specify in which quarterly reporting periods he or she will be engaging in taxable business activities. The quarterly reporting periods in which the taxpayer is engaging in taxable business activities may or may not be consecutive, but the same quarterly period or periods must apply each year. The taxpayer is not required to be engaging in taxable business activities during the entire period.

The department will provide and the taxpayer will be required to file tax returns only for the quarterly reporting periods specified by the taxpayer. Examples of persons which may be eligible for the seasonal reporting status include per-

sons operating Christmas tree and/or fireworks stands. Persons engaging in taxable business activities in more than two quarterly reporting periods in a calendar year will not qualify for the seasonal reporting status.

(9) Display of registrations and licenses document.

The taxpayer is required to display the registrations and licenses document in a conspicuous place at the business location for which it is issued.

(10) Multiple locations. A registrations and licenses document is required for each place of business at which a taxpayer engages in business activities for which the department of revenue is responsible for administering and/or collecting a tax or fee, and any main office or principal place of business from which excise tax returns are to be filed. This requirement applies to locations both within and without the state of Washington.

(a) For the purposes of this ~~(section)~~ subsection, the term "place of business" means:

(i) Any separate establishment, office, stand, cigarette vending machine, or other fixed location; or

(ii) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property, or contracts for or renders services in this state or otherwise transacts business with customers.

(b) A taxpayer wishing to report all tax liability on a single excise tax return may request a separate registrations and licenses document for each location. The original registrations and licenses document shall be retained for the main office or principal place of business from which the returns are to be filed, with additional documents obtained for all branch locations. All registrations and licenses documents will reflect the same tax reporting account number.

(c) A taxpayer desiring to file a separate excise tax return covering a branch location, or a specific construction contract, may apply for and receive a separate revenue tax reporting account number. A registrations and licenses document will be issued for each tax reporting account number and will represent a separate account.

(d) A master application must be completed to obtain a separate registrations and licenses document, or revenue tax reporting account number, for a new location.

(11) Change in ownership. When a change in ownership of a business occurs, the new owner must apply for and obtain a new registrations and licenses document. The original document must be destroyed, and any further use of the tax reporting account number for tax purposes is prohibited.

(a) A "change in ownership," for purposes of registration, occurs upon but is not limited to:

(i) The sale of a business by one individual, firm or corporation to another individual, firm or corporation;

(ii) The dissolution of a partnership;

(iii) The withdrawal, substitution, or addition of one or more partners where the general partnership continues as a business organization and the change in the composition of the partners is equal to or greater than fifty percent;

(iv) Incorporation of a business previously operated as a partnership or sole proprietorship;

(v) Changing from a corporation to a partnership or sole proprietorship; or

(vi) Changing from a corporation, partnership or sole proprietorship to a limited liability company or a limited liability partnership.

(b) For the purposes of registration, a "change in ownership" does not occur upon:

(i) The sale of all or part of the common stock of a corporation;

(ii) The transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy;

(iii) The death of a sole proprietor where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner;

(iv) The withdrawal, substitution, or addition of one or more partners where the general partnership continues as a business organization and the change in the composition of the partners is less than fifty percent; or

(v) A change in the trade name under which the business is conducted.

(c) While changes in a business entity may not result in a "change in ownership," the completion of a new master application may be required to reflect the changes in the registered account.

(12) Change in location. Whenever the place of business is moved to a new location, the taxpayer must notify the department of the change. A new registrations and licenses document will be issued to reflect the change in location.

(13) Lost registrations and licenses documents. If any registrations and licenses document is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new document will be issued upon request.

(14) Administrative closure of taxpayer accounts. The department may, upon written notification to the taxpayer, close the taxpayer's tax reporting account and rescind its tax registration endorsement whenever the taxpayer has reported no gross income and there is no indication of taxable activity for two consecutive years ~~(, or the account has been in an active nonreporting status for five years or more)~~.

The taxpayer may request, within thirty days of notification of closure, that the account remain open. A taxpayer may also request that the account remain open on an "active non-reporting" status if the requirements of subsection (3)(a) of this ~~(section)~~ rule are met. The request shall be reviewed by the department and if found to be warranted, the department will immediately reopen the account. The following are acceptable reasons for continuing as an active account:

(a) The taxpayer is engaging in business activities in Washington which may result in tax liability.

(b) The taxpayer is required to collect or pay to the department of revenue a tax or fee which the department is authorized to administer and/or collect.

(c) The taxpayer has in fact been liable for excise taxes during the previous two years.

(15) Reopening of taxpayer accounts. A business person choosing to resume business activities for which the department of revenue is responsible for administering and/or collecting a tax or fee, may request a previously closed

account be reopened. The business person must complete a new master application. When an account is reopened a new registrations and licenses document, reflecting a current tax registration endorsement, shall be issued. Persons requesting the reopening of an account which had previously been closed due to a revocation action should refer to subsection (16) of this ((section)) rule.

(16) Revocation and reinstatement of tax registration endorsements. Actions to revoke tax registration endorsements must be conducted by the department pursuant to the provisions of chapter 34.05 RCW, the Administrative Procedure Act, and the taxpayers bill of rights of chapter 82.32A RCW. Persons should refer to WAC 458-20-10001, Adjudicative proceedings—Brief adjudicative proceedings—Wholesale and retail cigarette license revocation/suspension—Certificate of registration (tax registration endorsement) revocation, for an explanation of the procedures and processes pertaining to the revocation of tax registration endorsements.

(a) The department of revenue may, by order, revoke a tax registration endorsement if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court, or for any other reason expressly provided by law.

(b) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the tax registration endorsement has been reinstated. A revoked endorsement will not be reinstated until:

(i) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and

(ii) The taxpayer has posted with the department a bond or other security in an amount not exceeding one-half the estimated average annual liability of the taxpayer.

(c) It is unlawful for any taxpayer to engage in business after its tax registration endorsement has been revoked.

(17) Penalties for noncompliance. The law provides that any person engaging in any business activity, for which registration with the department of revenue is required, shall obtain a tax registration endorsement.

(a) The failure to obtain a tax registration endorsement prior to engaging in any taxable business activity constitutes a gross misdemeanor.

(b) Engaging in business after a tax registration endorsement has been revoked by the department constitutes a Class C felony.

(c) Any tax found to have been due, but delinquent, and any tax unreported as a result of fraud or misrepresentation, may be subject to penalty as provided in chapter 82.32 RCW, WAC 458-20-228 and 458-20-230.

WSR 00-01-070

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed December 13, 1999, 4:16 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory sections more clearly explain board expectations of an administrator-in-training (AIT) candidate and the preceptor. Amendatory sections update existing rule to current board policy. New section separates exemption from an AIT program from the description of the program. New section adds an exemption from an AIT program for graduates of colleges approved by the National Association for Boards of Examiners for Long Term Care Administrators.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-090 and 246-843-095.

Statutory Authority for Adoption: Chapter 18.52 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 99-20-094 on October 5, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes

Program Manager

AMENDATORY SECTION (Amending WSR 95-07-128, filed 3/22/95, effective 4/22/95)

WAC 246-843-090 ((~~Preexamination requirements.~~))

Administrator-in-training. ((~~No person~~)) An applicant shall be ((~~admitted to or permitted~~)) approved to take an examination for licensure as a nursing home administrator ((~~without having first submitted~~)) after submitting evidence satisfactory to the board that the applicant meets the following requirements:

(1) ((~~All applicants shall~~)) Be at least twenty-one years ((~~of age, and in addition, shall otherwise meet the requirements of suitability and character set forth in WAC 246-843-200~~)) old.

(2) ((~~All applicants shall~~)) Complete an application for licensure provided by the division of health professions quality assurance, department of health((~~, and shall~~)) that includes

all information and fees requested ~~((in said application)). Refer to chapter 246-12 WAC, Part 2.~~

(3) ~~((All applicants shall))~~ Submit documentation ~~((demonstrating that they meet the))~~ of a minimum ~~((requirements set forth in RCW 18.52.071))~~ of a baccalaureate degree from a recognized institution of higher learning.

(4) ~~((Applicants not having))~~ Completed ~~((at least a one thousand hour practical experience requirement in a nursing home included in a degree program from a recognized educational institution, shall undertake and complete the following))~~ an administrator-in-training (AIT) program as described below:

(a) A one thousand five hundred hour ~~((administrator-in-training))~~ AIT program in a nursing home ~~((for individuals who have no experience in health care)); or~~

(b) A one thousand hour ~~((administrator-in-training))~~ AIT program ~~((in a nursing home))~~ for individuals with a minimum of two years experience as a department manager in a ~~((health care facility))~~ state licensed nursing home or hospital with supervisory and budgetary responsibility; or

(c) A five hundred hour ~~((administrator-in-training))~~ AIT program in a nursing home for individuals with a minimum of two years experience in the last five years with supervisory and budgetary responsibility in one of the following positions or their equivalent:

Hospital administrator;

Assistant administrator in a ~~((hospital or large health care facility))~~ state licensed nursing home or hospital;

Director of a hospital based skilled nursing facility;

Director of a subacute or transitional care unit;

Director of the department of nursing in a state licensed nursing home;

Health care consultant to the long-term care industry;

Director of community-based long-term care service(~~;~~

~~or~~ ~~((d) No administrator-in-training program is required for individuals with a minimum of five years experience in the last seven years with extensive supervisory and budgetary responsibility in one of the following positions or their equivalent:~~

Hospital administrator;

Assistant administrator in a hospital or large health care facility or agency;

Director of a hospital based skilled nursing facility;

Director of a subacute or transitional care unit; or

~~An individual who worked as a licensed nursing home administrator for a minimum of five years, in the past ten years, and whose license did not expire more than three years prior to application date).~~

(5) The AIT program ~~((, if required, shall include without limitations, the following))~~ shall be:

(a) ~~((The program shall be))~~ Under the guidance and supervision of a qualified preceptor ~~((, and shall be conducted for a period of one thousand five hundred hours, one thousand hours, or five hundred hours));~~

(b) ~~((The program shall be))~~ Designed to provide for individual learning experiences and instruction based upon the person's academic background(~~(s)~~), training, and experience;

(c) ~~((The))~~ Described in a prospectus ~~((for the program shall be))~~ signed by the preceptor ~~((, submitted and approved by the board prior to its commencement. Any)).~~ The prospectus shall include a description of the rotation through departments and is to be submitted to the board for approval before beginning an AIT program. Changes in the AIT program shall be immediately reported in writing to the board ~~((, and)).~~ The board may withdraw ~~((the))~~ approval ~~((given;))~~ or alter ~~((the))~~ conditions under which approval was given ~~((;))~~ if the board finds that the approved program ~~((as originally submitted and approved))~~ has not been or is not being followed ~~((;))~~.

~~((d))~~ (6) The AIT program prospectus shall include the following components:

~~((i))~~ (a) A minimum of ninety percent of the required ~~((administrator-in-training))~~ AIT program hours are spent in a ~~((planned systematic))~~ rotation through each department of a resident occupied nursing home licensed under chapter 18.51 RCW;

~~((ii))~~ Planned reading and writing assignments;

~~((iii))~~ (b) Project assignment including at least one problem-solving assignment to improve the nursing home or nursing home procedures. A description of the project is to be submitted in writing to the board ~~((or a designated board member. Problem solving))~~ for approval before beginning the AIT program. The description of the project should indicate the definition of ~~((an acknowledged problem;))~~ the project and method of approach ~~((to the problem))~~ such as data gathering ~~((, the listing of)).~~ A project report that includes possible alternatives, ((the)) conclusions, and final recommendations to improve the facility or procedure is to be submitted to the board for approval at least ten days before the scheduled end date of the AIT program;

~~((iv))~~ (c) Planned reading and writing assignments as designated by the preceptor; and

(d) Other planned learning experiences including ~~((acquisition of knowledge))~~ learning about other health and ~~((welfare))~~ social services agencies in the community ~~((; and)).~~

~~((v))~~ (7) Quarterly written reports to the board ~~((by the applicant including))~~ shall include a detailed outline of AIT activities ~~((and learning experiences of))~~ during the reporting period. Reports shall be submitted by both the AIT and preceptor.

~~((e))~~ (8) The program shall provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, ~~((as a general rule;))~~ no program shall be approved ~~((which would result in an individual preceptor supervising more than two trainees, or))~~ if the facility ~~((in which the program is to be implemented))~~ has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

NEW SECTION

WAC 246-843-093 Exemption. No AIT program is required for:

(1) An individual with a minimum of five years experience in the last seven years with extensive supervisory and

budgetary responsibility in one of the following positions or their equivalent:

Hospital administrator;

Assistant administrator in a hospital or state licensed nursing home;

Director of a hospital based skilled nursing facility; or

Director of a subacute or transitional care unit.

(2) An individual who worked as a licensed nursing home administrator for a minimum of five years, in the past ten years, and whose license did not expire more than three years prior to application date.

(3) An individual who graduated from a long-term care program in a college approved by the National Association of Boards of Examiners for Long-Term Care Administrators.

(4) An individual who graduated from a degree program in a recognized educational institution that included a one thousand hour practical experience (practicum) in a nursing home. This practical experience shall be structured to allow a student a majority of time in a systematic rotation through each department of a resident-occupied nursing home. The practical experience shall include planned readings, writing, and project assignments. The practical experience shall include regular contact with the administrator of the facility in which the practical experience was completed.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-095 Preceptors for administrator-in-training programs. ~~((In reviewing proposed administrator-in-training programs, the board shall utilize the following criteria in determining the qualifications and duties of))~~ The preceptor ((for such program:)) shall submit a statement describing his or her qualifications and an agreement to perform the duties of a preceptor.

(1) Qualifications of preceptor:

(a) The preceptor shall be employed as a licensed nursing home administrator for an accumulation of at least three years.

(b) The preceptor shall be employed full time as the nursing home administrator in the facility where the administrator-in-training is trained.

(c) The preceptor shall have ~~((demonstrated the ability and skills to provide quality care.~~

~~((d) The preceptor shall have demonstrated his or her continued interest in the broadening of his or her professional horizons beyond the requirements of licensure.~~

~~((e) The preceptor shall submit, in writing, the preceptor's qualifications as described in subsection (1)(a) through (d) of this section and an agreement to perform the duties in subsection (2)(a) and (b) of this section with the administrator-in-training's application.~~

~~((f)) an unrestricted license.~~

(d) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the board.

(2) Duties of the preceptor:

(a) The preceptor shall take the time necessary and have at least a weekly ~~((supervisory))~~ face-to-face conference ~~((between himself or herself and the trainee in the facility to~~

~~adequately monitor the education and))~~ with the AIT about the activities of the ((administrator-in-training)) AIT relative to the training program and the ((facility)) nursing home.

(b) The preceptor shall evaluate the AIT and submit quarterly reports to the board on ~~((a quarterly basis as to))~~ the progress of the ~~((administrator-in-training))~~ AIT program.

(3) A preceptor shall supervise no more than two AITs at the same time.

**WSR 00-01-071
PERMANENT RULES
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 13, 1999, 4:18 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory section reorganizes and clarifies definitions and adds a definition of recognized institution of higher learning. Amendatory section identifies that nursing homes are licensed under chapter 18.51 RCW. New section separates out "nursing homes temporarily without an administrator" and increases the time a facility may have an administrator designee. New section also informs the reader that the nursing home licensing agency has authority to provide an exception to the amount of time a facility may have an administrator designee.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-010.

Statutory Authority for Adoption: Chapter 18.52 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 99-20-092 on October 5, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes

Program Manager

AMENDATORY SECTION (Amending WSR 95-07-128, filed 3/22/95, effective 4/22/95)

WAC 246-843-010 General definitions. ~~((Whenever))~~ Terms used in these rules ((and regulations, unless expressly

otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall) have the following meanings:

((1) "Nursing home administrator in training" means an individual registered as such with the board, under and pursuant to these rules and regulations.

(2) "Person" or "individual" means an individual and does not include the terms firm, institution, public body, joint stock association or any other group of individuals.

(3) "Secretary" means the secretary of the department of health or the secretary's designee.

(4) "Active administrative charge" is the ongoing direct participation in the operating concerns of a nursing home. Operating concerns shall include, but not be limited to, interaction with staff and residents, liaison with the community, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current role delineation study of the National Association of Boards of Examiners for Nursing Home Administrators. The role delineation study is available from National Association of Boards of Examiners for Nursing Home Administrators, 808 17th Street NW #200, Washington, DC 20006.

(5) "On-site, full-time administrator" shall be defined as an individual in active administrative charge at the premises of only one nursing home facility, a minimum of four days and an average of forty hours per week, except: "On-site, full-time administrator with small resident populations," or in "rural areas," shall be defined as an individual in active administrative charge at the premises of only one nursing home facility:

(a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.

(6) "Collocated facilities" means that more than one licensed nursing facility is situated on a single contiguous piece of property, intersecting streets or roads allowing pedestrian crossing notwithstanding.

(7) "Nursing homes temporarily without an administrator." Upon the administrator's position becoming vacant, a nursing home may operate up to two continuous weeks under a responsible person authorized to act as administrator designee. Such person shall be qualified by experience to assume delegated duties. The nursing home shall have a written agreement with a Washington licensed administrator who shall be available to consult with such person.) (1) "On-site, full-time administrator" is an individual in active administrative charge of one nursing home facility or collocated facilities, as licensed under chapter 18.51 RCW, a minimum of four days and an average of forty hours per week. Exception: "On-site, full-time administrator" in nursing homes with small resident populations, or in rural areas is an individual in active administrative charge of one nursing home facility, or collocated facilities, as licensed under chapter 18.51 RCW;

(a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.

(2) "Active administrative charge" is direct participation in the operating concerns of a nursing home. Operating concerns include, but are not limited to, interaction with staff and residents, liaison with the community, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current job analysis published by the National Association of Boards of Examiners for Long-Term Care Administrators.

(3) "Person" means an individual and does not include the terms firm, corporation, institutions, public bodies, joint stock associations, and other such entities.

(4) "Nursing home administrator-in-training" means an individual in an administrator-in-training program approved by the board.

(5) "Secretary" means the secretary of the department of health or the secretary's designee.

(6) "Collocated facilities" means more than one licensed nursing facility situated on a contiguous or adjacent property, whether or not there are intersecting streets. Other criteria to qualify as a collocated facility would be determined by the nursing home licensing agency under chapter 18.51 RCW.

(7) "Recognized institution of higher learning" means an accredited degree granting institution in the United States or outside the United States that is listed in the directory of accredited institutions of postsecondary education published by the American Council on Education.

NEW SECTION

WAC 246-843-015 Nursing homes temporarily without an administrator. After an administrator's position becomes vacant, a nursing home may operate under a responsible person authorized to act as administrator designee. The administrator designee may act for four continuous weeks unless an exception is granted by the nursing home licensing agency under chapter 18.51 RCW.

The administrator designee shall be qualified by experience to assume delegated duties. A Washington licensed administrator shall sign an agreement to be available to consult with the administrator designee.

WSR 00-01-072
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Nursing Home Administrators)
[Filed December 13, 1999, 4:20 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory sections and new sections reorganize and update existing language relating to examination for license. Amendatory language eliminates part 2, the state law examination, from the examination for nursing home administrators license. Amendatory section on endorsement includes reference to the American College of Health Care Administrators and clarifies that people licensed in another state are exempt from taking the current national examination if they have previously passed the exam. New section on temporary practice permits streamlines agency process to

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obtain a permit. Repealer eliminates language incorporated in amendatory and new sections.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-843-080, 246-843-100, 246-843-110, 246-843-115, 246-843-120, 246-843-122, and 246-843-170; and amending WAC 246-843-070 and 246-843-230.

Statutory Authority for Adoption: Chapter 18.52 RCW.

Other Authority: Chapter 34.05 RCW, RCW 18.130.075.

Adopted under notice filed as WSR 99-20-093 on October 5, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 2, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 2, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes

Program Manager

AMENDATORY SECTION (Amending Order 141B, filed 3/1/91, effective 4/1/91)

WAC 246-843-070 ((Scheduling of) Examination((s and reexaminations)). (1) The board ~~((shall determine the subjects of examination of applicants for license as a nursing home administrator, and the scope, content, form, and character of such examinations which in any examination shall be the same for all candidates.~~

~~(2) Examination shall be held not less than semiannually and at such times and places as shall be designated by the board.~~

~~(3) Following the close of every examination, a permanent record stating in detail the result of the examination for each candidate shall be kept by the board.)~~ approves subjects of examination for license. The scope, content, form, and character of examination shall be the same for all candidates taking the examination.

(2) The examination consists of the National Association of Boards of Examiners for Long-Term Care Administrators (NAB) national examination.

(3) Subjects for examination may include, but not be limited to: Resident care management, personnel management, financial management, environmental management, and governance and management.

(4) Examinations shall be given at least semiannually at times and places designated by the department.

NEW SECTION

WAC 246-843-071 Application. (1) An applicant must pay applicable fees and submit an application for initial credential on forms approved by the secretary. Refer to chapter 246-12 WAC, Part 2.

(2) Applications shall be completed in every respect prior to the examination date.

NEW SECTION

WAC 246-843-072 Examination candidate procedures. (1) Failure to follow written or oral instructions relative to the conduct of an examination, including ending time of the examination, is ground for disqualification from the examination.

(2) Disqualified candidates shall be notified of the reasons for disqualification.

(3) Disqualified candidates may request an adjudicative proceeding. Refer to chapter 246-11 WAC.

(4) Disqualified candidates may submit a new application, provided the candidate meets current requirements.

(5) Candidates who fail an examination may update their application, pay the appropriate fee and retake the examination until obtaining a passing score.

NEW SECTION

WAC 246-843-073 Examination score. (1) An applicant for a nursing home administrator license is required to pass the national examination with a passing score established by the National Association of Boards of Examiners for Long-Term Care Administrators (NAB).

(2) The candidate shall be notified about their examination score in writing.

(3) The board and the department shall not disclose the candidate's score to anyone other than the candidate, unless requested to do so in writing by the candidate.

(4) The NAB examination is scored using a criterion-referenced method.

(5) A permanent record of the result of examination for each candidate shall be kept by the board.

NEW SECTION

WAC 246-843-074 Examination review and appeal.

(1) Each individual candidate who does not pass the examination may request informal review of failed examination questions. The request must be in writing and postmarked within thirty days of notification of the examination result. The request must state the reasons the candidate feels the result of the examination should be changed. The board will allow review of failed questions only if the potentially revised score would be a passing score. The board will consider the following to be adequate reasons for review of failed examination questions:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice, or discrimination in the examination process; or

(c) Other significant errors which result in substantial disadvantage to the candidate.

(2) In addition to the written request the candidate must contact the department to make an appointment to appear personally to review the failed examination questions.

(a) The candidate's incorrect answers will be available during the review. The candidate must identify the specific questions and state the specific reason why the candidate believes his or her answers are correct on a form provided by the department during the review.

(b) The candidate will be allowed one half the time originally allotted for examination to complete the review.

(c) The candidate may not use any resource materials while completing the review.

(d) The candidate may not remove any notes or materials from the site of the review.

(e) The candidate will be notified in writing of the board's decision on the review documentation.

(3) A candidate who is not satisfied with the board's decision may request a formal hearing. Such request must be postmarked within twenty days of service of the board's decision on the review of the failed examination questions. Refer to chapter 246-11 WAC, Section V.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-843-230 ((Reciprocity)) Endorsement. (1)
~~The board ((, at its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for a nursing home administrator license)) may endorse a nursing home administrator ((license issued by the proper authorities of any other)) currently licensed in another state ((, upon payment of the original license fee and the application fee, and upon submission of evidence satisfactory to the board:~~

~~(1) That such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;~~

~~(2) That such applicant for endorsement is examined and successfully passes the test related to Washington state local health and safety nursing home regulations; and~~

~~(3) That such applicant has not had a nursing home administrator license revoked or suspended in any state)) if that state requires qualifications substantially equivalent to qualifications required by RCW 18.52.071. To obtain a license by endorsement the applicant must:~~

~~(a) Pay applicable application fee;~~

~~(b) Submit an application on forms approved by the secretary;~~

~~(c) Submit a verification form from all states in which currently or previously licensed that verifies the applicant:~~

~~(i) Was or is currently licensed;~~

~~(ii) Has not had a nursing home administrator license revoked or suspended; and~~

~~(iii) Has passed the national examination;~~

~~(d) Submit a certified transcript of baccalaureate or higher degree, mailed to the department directly from the college or university;~~

(e) Have completed seven clock hours of AIDS education and training. Refer to chapter 246-12 WAC, Part 8.

(2) Applicants who are:

(a) Certified by the American College of Health Care Administrators (ACHCA) may submit verification of ACHCA certification in lieu of college degree transcript.

(b) Currently certified by ACHCA are exempt from taking the current NAB national examination.

(c) Licensed as a nursing home administrator in another state and who have previously passed the national examination are exempt from taking the current NAB national examination.

NEW SECTION

WAC 246-843-231 Temporary practice permits. (1)

A temporary practice permit may be issued for a period up to six months. A temporary practice permit holder is not eligible for a subsequent permit. A temporary practice permit shall be valid only for the specific nursing home for which it is issued and shall terminate upon the permit holder's departure from the nursing home, unless otherwise approved by the board. An applicant shall meet the following criteria:

(a) Submit temporary permit fee and application form approved by the secretary for initial credential;

(b) Submit verification from each state in which currently licensed that applicant is currently licensed and in good standing as a nursing home administrator in that state;

(c) Have a written agreement for consultation with a Washington state licensed nursing home administrator.

(2) Subsection (1)(b) of this section does not apply if the applicant is an administrator of a religious care facility acting under a limited license described in RCW 18.52.071.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-843-080	Application for examination.
WAC 246-843-100	Disqualification—Reexamination.
WAC 246-843-110	Subjects for examination.
WAC 246-843-115	Examination procedures.
WAC 246-843-120	Grading examinations.
WAC 246-843-122	Examination review procedures.
WAC 246-843-170	Temporary permits.

PERMANENT

WSR 00-01-073
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed December 13, 1999, 4:22 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory section describes the duties and responsibilities of the Board of Nursing Home Administrators. Repealer removes sections that are unnecessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-843-001, 246-843-030, and 246-843-050; and amending WAC 246-843-040.

Statutory Authority for Adoption: Chapter 18.52 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 99-20-059 on October 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes

Program Manager

mand, revoke, suspend or refuse to reregister)) a license ((of any)) holder or applicant under authority granted by RCW 18.130.160 or who fails to meet ((the)) requirements of chapter 18.52 RCW.

(5) Investigate(;) and take ((appropriate)) action ((with respect to any charge)) on a report or complaint filed with the board or secretary ((to the effect)) that any individual licensed as a nursing home administrator has failed to comply with the requirements of chapter 18.52 RCW.

(6) ((Issue)) Adopt rules ((and regulations which are)) necessary to carry out the functions of ((the Nursing Home Administrator License Act)) chapter 18.52 RCW.

(7) Implement ((and carry out the)) requirements of ((the Nursing Home Administrator Licensing Act and rules and regulations, with the assistance of the secretary for administrative matters, to include such functions as)) chapter 18.52 RCW, including:

(a) ((Recommending the)) Recommend hiring ((of)) consultants to advise on matters requiring expert advice;

(b) ((The delegating of)) Delegate work responsibilities to ((committees)) subcommittees of the board;

(c) ((Implement and)) Supervise the administrator-in-training program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-843-001	Source of authority—Title.
WAC 246-843-030	Board of examiners—Meetings.
WAC 246-843-050	Board of examiners—Officers and duties.

WSR 00-01-074
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed December 13, 1999, 4:25 p.m.]

Date of Adoption: November 19, 1999.

Purpose: Amendatory section adds a mandatory continuing education (CE) course for licensees and requires attendance within 180 days of initial licensure. The mandatory CE replaces the state law part of the examination for initial license. Amendatory section condenses and renames general subject areas of CE determined to be critical to the role of a nursing home administrator. Amendatory section requires licensees who have an active license and practice solely out of state to have CE that covers the same general subject areas as licensees who have an active license and practice in Washington. Language in the repealer is moved to the CE rules for easier reference.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-843-125 and amending WAC 246-843-130 and 246-843-150.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-040 ((~~Board of examiners—General powers~~)) **Duties and responsibilities.** The board, with the assistance of the secretary ((for administrative matters)), shall have the following duties and responsibilities, within the limits of ((the Nursing Home Administrator Licensing Act and the rules and regulations herein, to:)) chapter 18.52 RCW.

(1) Develop standards ((which shall be met by)) for individuals in order to receive a license as a nursing home administrator.

(2) Develop ((appropriate)) techniques, including examinations and investigations to ((the extent necessary to)) determine whether an individual meets such standards for licensing:

(3) ((Order the secretary to issue licenses, provisional)) Approve licenses or temporary permits ((to)) for individuals meeting ((the)) requirements applicable to them.

(4) ((Order the secretary, after such notice and hearing, as may be required by law, to)) Discipline or deny ((repre-

Statutory Authority for Adoption: Chapter 18.52 RCW.
Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 99-20-095 on October 5, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 24, 1999

Barbara A. Hayes

Program Manager

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-130 Continuing education courses (~~of study~~). A course (~~of study~~) provided to satisfy the continuing education requirement of licensed nursing home administrators shall meet the following conditions before (~~approval~~) being approved by the board (~~will be considered~~):

(1) (~~Such course of study~~) A request for approval shall be (~~registered before being offered~~) submitted on forms provided by the department at least one day prior to the start of the course;

(2) Such course of study shall consist of a minimum of one hour of organized instruction with the exception of board-approved (~~correspondence courses of~~) self-study courses;

(3) Such course of study may include the following general subject areas or their equivalents, and shall be oriented to the nursing home administrator and reasonably related to the (~~administrator~~) administration of nursing homes:

(a) (~~Applicable standards of environmental health and safety~~)

(b) Local health and safety regulations

(c) General administration

(d) Psychology of patient care

(e) Principles of medical care

(f) Personal and social care

(g) Therapeutic and supportive care and services in long-term care

(h) Departmental organization and management

(i) (~~Community inter-relationships~~) Resident management;

(b) Personnel management;

(c) Financial management;

(d) Environmental management;

(e) Governance and management;

(f) Laws relating to Washington state nursing homes;

(4) Within one hundred eighty days after becoming licensed, nursing home administrators shall attend an approved course on laws relating to nursing homes in Washington. The board will grant retroactive credit to those licensees who obtain the required training as administrators-in-training under WAC 246-843-090. The board will approve state law training courses based on the following criteria.

A minimum of a six-hour program, with formal training objectives, that covers the following subjects: The requirements of chapter 18.52 RCW and essential areas of laws that apply to nursing homes regulated by the department of social and health services under chapter 388-97 WAC:

• Resident services, medical and social;

• Resident rights, including resident decision making, informed consent, advance directives and notices to residents;

• Enforcement;

• Criminal history inquiries;

• Differences between federal and state law.

(5) Such course of study shall issue certificates of attendance or other evidence satisfactory to the board(~~and~~

~~(5) All courses of study for continuing education are subject to board approval~~)).

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-843-150 Continuing education requirements (~~to meet the conditions of reregistration~~) for renewal of license. (1) Licensed nursing home administrators must demonstrate completion of fifty-four hours of continuing education every three years as provided in chapter 246-12 WAC, Part 7.

(2) (~~Practitioners~~) Licensees practicing (~~only~~) solely out of (~~the state of~~) Washington (~~may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements with the condition that their state has equal hours of continuing education requirements~~) state are exempt from WAC 246-843-130(1) and must meet all other requirements.

(3) A preceptor for an administrator-in-training program may be granted continuing education credit of one hour per month of the AIT program. Credit as a preceptor is limited to twenty-four hours of continuing education in any three-year period.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-843-125

Continuing education credit for preceptors for administrators-in-training programs.

PERMANENT

WSR 00-01-076
PERMANENT RULES
YAKIMA VALLEY
COMMUNITY COLLEGE
[Filed December 13, 1999, 4:45 p.m.]

Date of Adoption: December 9, 1999.

Purpose: To update chapter 132P-276 WAC including clarifying the college organizational structure, clarifying the appeal of denials of public records and increasing the per page copy charge.

Citation of Existing Rules Affected by this Order: Repealing WAC 132P-276-990; and amending WAC 132P-276-010, 132P-276-020, 132P-276-030, 132P-276-040, 132P-276-050, 132P-276-060, 132P-276-070, 132P-276-080, 132P-276-090, 132P-276-100, 132P-276-110, and 132P-276-120.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 99-22-101 on November 3, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 12, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 9, 1999

Suzanne M. West

Public Records Officer

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by ~~((Community College District No. 16))~~ the college with the provisions of ~~((chapter 1, Laws of 1973 (Initiative 276), Disclosure Campaign finances Lobbying Records; and in particular with sections 25-32 of that act;))~~ the state law dealing with public records, chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-020 Definitions. (1) Public records. "Public record" ~~((indicates))~~ includes any writing containing information relating to the conduct of ~~((governmental))~~ government or the performance of any governmental or propri-

etary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds~~((s))~~, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, ~~((dises;))~~ drums, and other documents.

(3) Community College District ~~((No.))~~ 16. Community College District ~~((No.))~~ 16 and Yakima Valley Community College were established pursuant to the Community College Act of 1967. Community College District ~~((No.))~~ 16 and Yakima Valley Community College shall hereinafter be referred to as the "college."

NEW SECTION

WAC 132P-276-021 Description of organization of the college. The college is a community college district organized under RCW 28B.50.040. The administrative offices of the college and its staff are located at Yakima Valley Community College, Nob Hill and South 16th Avenue, P.O. Box 22520, Yakima, WA 98907-2520.

(1) In addition to the Yakima Campus, the college offers educational programs throughout its district including a campus in Grandview and educational centers in Ellensburg, Toppenish, and Sunnyside.

(2) The college is organized into the following principal parts: President's office, administrative services division, and instruction and student services division.

NEW SECTION

WAC 132P-276-022 Operations and procedures. The college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The college is operated under the supervision and control of a five-member board of trustees appointed by the governor. The board usually meets once a month in regular session on a date and time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the board may not meet at all in a particular month.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-030 Public records available. All public records of the college, as defined in WAC 132P-276-020, are ~~((deemed to be))~~ available for public inspection and copying pursuant to these rules, except as otherwise provided by ~~((section 31, chapter 1, Laws of 1973))~~ chapter 42.17 RCW and chapter 132P-276 WAC or other applicable law.

PERMANENT

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-040 Public records officer. Access to the college's public records shall be ~~((in the charge of))~~ through the public records officer designated by the college. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for ~~((the following: The implementation of))~~ implementing the college rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ~~((insuring))~~ ensuring compliance by the staff with the public records disclosure requirements of chapter ~~((1, Laws of 1973))~~ 42.17 RCW.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this ~~((chapter))~~ section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding ~~((legal))~~ college holidays.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-060 Requests for public records. In accordance with requirements of chapter ~~((1, Laws of 1973))~~ 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's staff, if the public records officer is not available, at the administrative office of the college during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date ~~((on which))~~ of the request ~~((was made))~~;
- (c) The nature of the request;
- (d) If the matter requested is referenced within ~~((the current))~~ an index maintained by the ~~((records officer))~~ college, a reference to the requested record as ~~((it is))~~ described in such ~~((current))~~ index;
- (e) If the requested matter is not identifiable by reference to ~~((the college's current))~~ an index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests within five business days of receipt of the request by:

- (a) Providing copies of the requested records:

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request may be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-070 ~~((Copying))~~ Charge for public records. No fee shall be charged for the inspection of public records.

(1) The college shall charge a fee of ~~((five))~~ fifteen cents per page of copy for providing copies of written public records and for use of the college copy equipment. ~~((This charge is))~~ The college may charge the actual cost for providing copies of public records, including mailing costs and costs for duplicating audio tapes, video tapes, and other media. These charges are the amounts necessary to reimburse the college for its actual costs incident to such copying and mailing. All fees must be paid by money order, cashier's check, or cash in advance.

(2) The public records officer is authorized to waive the foregoing costs. Factors considered in deciding whether to waive costs include, but are not limited to: Providing the copy will facilitate administering the program and/or the expense of processing the payment exceeds the copying and postage cost.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-080 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132P-276-060 is exempt under the provisions of ~~((section 31, chapter 1, Laws of 1973))~~ chapter 42.17 RCW or other applicable law.

(2) In addition, pursuant to ~~((section 26, chapter 1, Laws of 1973))~~ RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public record ~~((;))~~ in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by ~~((chapter 1, Laws of 1973))~~ state law or would impair a vital governmental interest. The public records officer will ~~((fully justify))~~ state the reason for such deletion in writing.

~~(3) ((All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.))~~ The release or disclosure of student educational records is governed by the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-090 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. ~~The president or designee shall ((immediately)) consider the ((matter and either affirm or reverse such denial or call a special meeting of the board of trustees of Community College District No. 16 as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial))~~ college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision, provided the requested record, or until the close of the second business day following denial ~~((or))~~ of inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general or may file a lawsuit in superior court in the county where the agency record is maintained. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of the Attorney General
Public Records Review
P.O. Box 40100
Olympia, WA 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record

requested is exempt from disclosure. This review is not binding upon the college or the requestor.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-100 Protection of public records. ~~((The location of the public records officer appointed pursuant to WAC 132P-276-040 shall be in the college offices. The public records officer shall establish a central college index which shall be the college's master index to be coordinated with subsidiary indexes established in each major administrative area of the college. Upon receiving requests for public records in the manner prescribed in WAC 132P-276-060, it shall be the duty of the public records officer to immediately act upon the request. If it is determined the item requested is a public record as defined in WAC 132P-276-020, it shall be the duty of the public records officer to locate the public record in the office in which it is filed and make it available for inspection. Should, in the judgment of the public records officer, there be a possibility of the destruction of the public record, then the public records officer shall make available a copy of the record at no cost.~~

~~Upon request, the public records officer shall make available copies of public records in accordance with WAC 132P-276-070.))~~ Access to public records shall be restricted to the viewing area designated by the public records officer. No record shall be physically removed from the viewing area for any reason. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever. Copies shall be made at the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-110 Records index. ~~((1) Index. The college shall make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:~~

~~(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~

~~(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;~~

~~(c) Administrative staff manuals and instructions to staff that affect a member of the public;~~

~~(d) Planning policies and goals, and interim and final planning decision;~~

~~(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~

~~(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine~~

or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party:

(2) Availability. The current index promulgated by the college shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.) An index of all documents required to be indexed by RCW 42.17.260 shall be maintained at the president's office. The index shall be accessible to the public by request to the public records officer at the above office during customary working hours.

AMENDATORY SECTION (Amending Order 74-3, filed 12/6/74)

WAC 132P-276-120 Adoption of form. The college ((hereby)) shall adopt((s)) a form for use by all persons requesting inspection and/or ((copying or)) copies of its public records((, the form attached hereto as Appendix A, entitled "Request for public record.")).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132P-276-990 Appendix A—Request for public records.

WSR 00-01-077
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed December 14, 1999, 8:21 a.m.]

Date of Adoption: December 10, 1999.

Purpose: To repeal chapter 212-20 WAC, Model and experimental rocketry.

Citation of Existing Rules Affected by this Order: Repealing chapter 212-20 WAC.

Adopted under preproposal statement of inquiry filed as WSR 99-21-018 on October 12, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 50.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 50.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 50.

Effective Date of Rule: Thirty-one days after filing.
December 10, 1999
Annette M. Sandberg
Chief

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 212-20-001 Declaration of intent.
- WAC 212-20-010 Definitions.
- WAC 212-20-015 Application—Rocket motors.
- WAC 212-20-025 Application—Rocket vehicles.
- WAC 212-20-035 Application—Rocket launching.
- WAC 212-20-045 Application—Exempt activities.
- WAC 212-20-055 Application—Exempt model aircraft.
- WAC 212-20-065 Application—Exempt toy rockets.
- WAC 212-20-075 Application—Exempt fireworks.
- WAC 212-20-085 Purpose—Availability.
- WAC 212-20-090 Purpose—Prohibited rockets.
- WAC 212-20-095 Purpose—Prohibited propellants.
- WAC 212-20-100 Rocket construction and operation.
- WAC 212-20-200 Solid propellant rocket motors—General.
- WAC 212-20-205 Solid propellant rocket motors—Casing material.
- WAC 212-20-210 Solid propellant rocket motors—Casing design.
- WAC 212-20-215 Solid propellant rocket motors—Incapable of spontaneous ignition.
- WAC 212-20-220 Solid propellant rocket motors—Propellant.
- WAC 212-20-225 Solid propellant rocket motors—Manufacturer sampling.
- WAC 212-20-230 Solid propellant rocket motors—Manufacturer dating.

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WAC 212-20-235	Solid propellant rocket motors—Safe shipment.	WAC 212-20-630	Use of noncomplying rockets.
WAC 212-20-240	Solid propellant rocket motors—Flame ignition prohibited.	WAC 212-20-635	Sale or use of hand-held igniters.
WAC 212-20-245	Solid propellant rocket motors—Instructions.	WAC 212-20-640	False certification.
WAC 212-20-250	Solid propellant rocket motors—Sealing.	WAC 212-20-645	Reloading solid propellant rocket motor.
WAC 212-20-305	Cold propellant rocket motors—Sold assembled.	WAC 212-20-650	Refilling cold propellant rocket motor.
WAC 212-20-310	Cold propellant rocket motors—Propellant.	WAC 212-20-655	Refilling pressurized liquid rocket motor.
WAC 212-20-315	Cold propellant rocket motors—Working pressures.	WAC 212-20-660	Permits.
WAC 212-20-320	Cold propellant rocket motors—Construction materials.	WAC 212-20-665	Penalty.
WAC 212-20-405	Pressurized liquid rocket motors—Sold assembled.	WAC 212-20-990	Appendix—Supplementary information.
WAC 212-20-410	Pressurized liquid rocket motors—Nontoxic propellant.		
WAC 212-20-415	Pressurized liquid rocket motors—Working pressures.		
WAC 212-20-420	Pressurized liquid rocket motors—Shipped empty.		
WAC 212-20-425	Pressurized liquid rocket motors—Pressurizing.		
WAC 212-20-430	Pressurized liquid rocket motors—Construction materials.		
WAC 212-20-500	Nationally recognized testing labs, associations.		
WAC 212-20-600	Use of rocket motors for spectacular display.		
WAC 212-20-605	Use of rocket or rocket motor as a weapon.		
WAC 212-20-610	Use of rocket motor contrary to Federal Aviation Agency regulations.		
WAC 212-20-615	Tampering with rocket motor.		
WAC 212-20-620	Sale of noncomplying rocket motors.		
WAC 212-20-625	Operation of rockets contrary to Federal Aviation Agency regulations.		

WSR 00-01-086**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed December 14, 1999, 3:03 p.m.]

Date of Adoption: December 14, 1999.

Purpose: This rule is amended to provide eligible boarding homes time to apply for grant funding for retrofitting boarding homes with fire sprinklers. It will also allow time for a comprehensive review of the fire safety regulations in boarding homes, prior to implementing a requirement to retrofit all existing dementia care units with fire sprinklers.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-335.

Statutory Authority for Adoption: RCW 18.20.090.

Adopted under notice filed as WSR 99-22-108 on November 3, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1999

Marie Myerchin-Redifer, Manager
Rule and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-335 Residents—Dementia care. (1) If a licensee accepts residents with dementia care needs, the licensee (~~shall~~) **must**:

(a) Provide qualified staff, present at all times, to care for and supervise residents with dementia care needs including:

- (i) Dressing, grooming and personal hygiene;
- (ii) Eating;
- (iii) Orientation and activities;
- (iv) Ensuring the safety of all residents; and
- (v) Assisting residents during an emergency; and

(b) Take one or more of the following measures to prevent wandering from the boarding home:

- (i) Staff sufficient to monitor and care for residents with dementia care needs;
- (ii) An alarm and monitoring system to alert staff when a resident exits the building or enclosed outdoor area; or
- (iii) A dementia care unit meeting the standards described in subsection (2) of this section.

(2) A licensee providing a dementia care unit shall, except as provided in subsection (4) of this section:

(a) Assure the dementia care unit meets the fire and life safety requirements for boarding homes according to the Washington State Building Code;

(b) Provide a room which may be used for dining, socializing and recreation;

(c) Design floor and wall surfaces in such a way to augment resident orientation;

(d) Provide slip-resistant floors free of abrupt changes;

(e) Provide access to a secured outdoor space with:

(i) Walls or fences at least seventy-two inches high;

(ii) Walking surfaces that are firm, stable, slip-resistant and free from abrupt changes;

(iii) Outdoor furniture; and

(iv) Nontoxic plants;

(f) Provide an approved supervised automatic fire detection system and supervised automatic sprinkler system electrically interconnected with the fire alarm system;

(g) If exiting doors restrict egress, provide automatic locking and unlocking exiting doors from the dementia care unit, which:

(i) Release automatically when:

(A) The fire alarm is activated;

(B) ~~((Primary))~~ Power to the building is lost; and

(C) An override switch is used in case of emergency;

(ii) Are equipped with alarms;

(iii) Have directions for lock releasing devices posted by doors and accessible to residents; and

(iv) Are approved for use by the local official enforcing the Uniform Building Code and the Uniform Fire Code prior to approval by the Washington state director of fire protection.

(3) A licensee shall obtain written consent from a resident, or if the resident is unable to give informed consent as defined in RCW 11.88.010 (1)(e), from an individual as set forth in RCW 7.70.065, prior to placing the resident in a dementia care unit.

(4) A licensee using a dementia care unit as of August 1, 1994, shall:

(a) Assure the unit is designed and maintained for safe and adequate care of residents; (~~and~~)

(b) Meet the requirements in subsection (2)(a), (b), (c), (d), (e), and (g) of this section upon construction of a new dementia care unit or January 1, 2000, whichever occurs first; and

(c) Meet the requirements in subsection (2)(f) of this section upon construction of a new dementia care unit or June 30, 2002, whichever occurs first.

WSR 00-01-087

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 14, 1999, 3:05 p.m.]

Date of Adoption: December 14, 1999.

Purpose: WAC 388-513-1340 and 388-513-1345 are amended to implement Section 4715 of the Balanced Budget Act of 1997 that mandates counting certain veteran benefits in the post-eligibility process for persons living in a state veterans home. WAC 388-513-1340 is also amended to implement a federal statute that exempts funds received under the *Susan B. Walker v. Bayer Corporation et al.*, 96-C-5024 (N.D.III. May 8, 1997) class settlement as income when determining institutional Medicaid eligibility and post-eligibility. WAC 388-515-1505 is amended to implement an increase in the personal needs allowance (PNA). The new amount is \$58.84.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1340, 388-513-1345 and 388-515-1505.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 42 C.F.R. 435.601, 42 C.F.R. 435.725-726, and Section 4715 and 4735 of the Federal Balanced Budget Act of 1997 (P.L. 105-33) (H.R. 2015).

Adopted under notice filed as WSR 99-19-090 on September 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: • **WAC 388-513-1340 Determining excluded income for long-term care (LTC) services.**

(1) The following text is inserted as subsection (12): "The amount of expenses related to blindness that allow the client to work."

• **WAC 388-513-1345 Determining disregarded income for institutional or hospice services under the medically needy (MN) program.**

(2) The word "waivered" is replaced with the word "hospice" in the introductory sentence. This change is made to

PERMANENT

correct an error made when this rule was drafted. As correctly stated in its title, this rule addresses only institutional or hospice services.

• **WAC 388-515-1505 Community options program entry system (COPES).**

(3) The following text is inserted into subsection (2)(b): "not allocated to participation in a prior month."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3819, filed 12/28/94, effective 1/28/95)

WAC 388-513-1340 ((~~Institutional Exempt~~))

Determining excluded income for long-term care (LTC) services. ((The department shall consider a client's income exemptions as unavailable income when determining initial institutional eligibility or post-eligibility. The department shall exempt sequentially from income:

- (1) ~~Any public agency's refund of taxes paid on real property or on food;~~
- (2) ~~Supplemental security income (SSI) and state public assistance based on financial need;~~
- (3) ~~Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;~~
- (4) ~~Child support received by a parent from an absent parent, for a minor child who is not institutionalized;~~
- (5) ~~Tax exempt payments received by Alaska natives under the Alaska Native Claims Act;~~
- (6) ~~Tax rebates or special payments excluded by other statutes;~~
- (7) ~~Compensation provided to volunteers in ACTION programs established by P.L. 93-113, The Domestic Volunteer Service Act of 1973;~~
- (8) ~~Veteran's Administration benefits designated for:~~
 - (a) ~~The veteran's dependent;~~
 - (b) ~~Unusual medical expense; and~~
 - (c) ~~Aid and attendance and housebound allowance.~~

(9) ~~Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, for example, chore services;~~

(10) ~~Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;~~

(11) ~~Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;~~

(12) ~~Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;~~

(13) ~~Payments under sections 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;~~

(14) ~~Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;~~

(15) ~~Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383;~~

(16) ~~The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;~~

(17) ~~The amount of blindness-related work expenses of a blind client;~~

(18) ~~Interest earned on excluded burial funds and any appreciation in the value of an exempt burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;~~

(19) ~~Earned income tax credit (EITC); and~~

(20) ~~Vietnam's compensation))~~ This section describes income the department excludes when determining a client's eligibility and participation in the cost of care for LTC services with the exceptions described in subsections (30) and (33).

- (1) Crime victim's compensation;
- (2) Earned income tax credit (EITC);
- (3) Native American benefits excluded by federal statute (refer to WAC 388-450-0040);
- (4) Tax rebates or special payments excluded by other statutes;
- (5) Any public agency's refund of taxes paid on real property and/or on food;
- (6) Supplemental Security Income (SSI) and certain state public assistance based on financial need;
- (7) The amount a representative payee charges to provide services when the services are a requirement for the client to receive the income;
- (8) The amount of expenses necessary for a client to receive compensation, e.g., legal fees necessary to obtain settlement funds;
- (9) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, and/or other necessary educational expenses at any educational institution;
- (10) Child support payments received from an absent parent for a minor child who is not institutionalized;

(11) The amount of expenses related to impairments of a permanently and totally disabled client that allow the client to work;

(12) The amount of expenses related to blindness that allow the client to work;

(13) Self-employment income allowed as a deduction by the Internal Revenue Service (IRS);

(14) Payments to prevent fuel cut-offs and to promote energy efficiency that are excluded by federal statute;

(15) Assistance (other than wages or salary) received under the Older Americans Act;

(16) Assistance (other than wages or salary) received under the foster grandparent program;

(17) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(18) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement that are left to accumulate and become part of the separately identified burial funds set aside;

(19) Tax exempt payments received by Alaska natives under the Alaska Native Settlement Act established by P.L. 100-241;

(20) Compensation provided to volunteers in ACTION programs under the Domestic Volunteer Service Act of 1973 established by P.L. 93-113;

(21) Payments made from the Agent Orange Settlement Fund or any other funds to settle Agent Orange liability claims established by P.L. 101-201;

(22) Payments made under section six of the Radiation Exposure Compensation Act established by P.L. 101-426;

(23) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry established by P.L. 100-383;

(24) Payments made under sections 500 through 506 of the Austrian General Social Insurance Act;

(25) Payments made from *Susan Walker v. Bayer Corporation, et. al.*, 95-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds;

(26) Payments made from the Ricky Ray Hemophilia Relief Fund Act of 1998 established by P.L. 105-369;

(27) Payments made under the Disaster Relief and Emergency Assistance Act established by P.L. 100-387;

(28) Payments made under the Netherlands' Act on Benefits for Victims of Persecution (WUV);

(29) Payments made to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act;

(30) Interest earned from payments described in subsections (24) through (29) is considered available and counted as nonexcluded income;

(31) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, e.g., chore services;

(32) Department of Veterans Affairs benefits designated for:

(a) The veteran's dependent;

(b) Unusual medical expenses, aid and attendance allowance, and housebound allowance, with the exception described in subsection (33);

(33) Benefits described in subsection (32)(b) for a client who resides in a state veterans' home and has no dependents are excluded when determining eligibility, but are considered available when determining participation in the cost of care.

AMENDATORY SECTION (Amending Order 3819, filed 12/28/94, effective 1/28/95)

WAC 388-513-1345 **Determining disregarded income for institutional(—Disregarded income) or hospice services under the medically needy (MN) program.** ((The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-513-1380 for post-eligibility treatment of income. The department shall disregard sequentially from income:)) This section describes income the department disregards when determining a client's eligibility for institutional or hospice services under the MN program. The department considers disregarded income available when determining a client's participation in the cost of care.

(1) The department disregards the following income amounts in the following order:

(a) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

((a)) (i) Twenty dollars per month if unearned; or

((b)) (ii) Ten dollars per month if earned.

((c)) (b) The first twenty dollars per month of earned or unearned income((—The department may not exclude)), unless the income paid to a client ((on the basis of)) is:

(i) Based on need; and ((is))

(ii) Totally or partially funded by the federal government or ((by)) a private agency.

((d)) (2) For ((an SSI-related person)) a client who is related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1), the first sixty-five dollars per month of earned income not ((exempted)) excluded under WAC 388-513-1340, plus one-half of the remainder.

((e)) (3) For ((an AFDC)) a TANF/SFA-related ((person, the first ninety dollars)) client, fifty percent of gross earned income.

(4) Department of Veterans Affairs benefits if:

(a) Those benefits are designated for:

(i) Unusual medical expenses;

(ii) Aid and attendance allowance; or

(iii) Housebound allowance; and

(b) The client:

(i) Resides in a state veterans' home; and

(ii) Has no dependents.

(5) ((Money voluntarily withheld from SSA Title II benefits by)) Income the Social Security Administration (SSA) withholds from SSA Title II benefits for the recovery of an SSI overpayment((; and

~~(6) A fee charged by a guardian as reimbursement for provided services, when such guardianship services are a requirement for the client to receive payment of the income).~~

AMENDATORY SECTION (Amending Order 100346, filed 6/27/96, effective 7/28/96)

WAC 388-515-1505 Community options program entry system (COPEs). ~~((1) The department shall determine a person eligible for COPEs when a person is eighteen years of age or over and:~~

~~(a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPEs, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;~~

~~(b) Requires the level of care provided in a nursing facility;~~

~~(c) Has a department approved plan of care that meets the eligibility requirements for COPEs personal care as described under WAC 388-15-610; and~~

~~(d) Is able and chooses to reside at home with community support services, in a:~~

~~(i) Congregate care facility (CCF);~~

~~(ii) Licensed adult family home (AFH); or~~

~~(iii) Licensed boarding home (LBH);~~

~~(e) Is institutionalized, or the department determines is likely to be institutionalized within the next thirty days in the absence of waived services under WAC 388-15-615.~~

~~(2) The department shall exempt SSI income from participation in the cost of COPEs care.~~

~~(3) The department shall allocate available income of the SSI-related COPEs client as described under WAC 388-513-1380 (1), (2), (3), (4), (d), (e), (f), (g), and (h), (5), and (6). The client shall retain for maintenance needs an amount equal to:~~

~~(a) For a single person or a married person not living with a community spouse, one hundred percent of the one-person Federal Poverty Level (FPL);~~

~~(b) For a married couple who are both receiving COPEs, one hundred percent of the one-person FPL for each person; or~~

~~(c) For a married person living with a community spouse, the one-person MNIL.~~

~~(4) The SSI-related client residing in a CCF, AFH, or LBH shall:~~

~~(a) Retain from a maintenance needs amount, a personal needs allowance of fifty dollars; and~~

~~(b) Pay the remaining maintenance needs amount to the facility for the cost of board and room.~~

~~(5) The department shall include the remaining income after allocations as the participation amount for COPEs services as described under WAC 388-15-620)) This section describes the financial eligibility requirements for waived services under the COPEs program and the rules used to determine a client's participation in the cost of care.~~

~~(1) The department establishes eligibility for COPEs for a client who:~~

~~(a) Is eighteen years of age or older;~~

(b) Meets the disability criteria of the Supplemental Security Income (SSI) program as described in WAC 388-503-0501(1);

(c) Requires the level of care provided in a nursing facility;

(d) Is in a medical facility, or will likely be placed in one within the next thirty days in the absence of waived services described in WAC 388-15-620;

(e) Has attained institutional status as described in WAC 388-513-1320;

(f) Has been determined to be in need of waived services and is approved for a plan of care as described in WAC 388-15-610;

(g) Is able to live at home with community support services and chooses to do so, or in a department-contracted:

(i) Adult residential care (ARC) facility;

(ii) Enhanced adult residential care (EARC) facility;

(iii) Licensed adult family home (AFH); or

(iv) Assisted living (AL) facility.

(h) Is not subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1365 and 388-513-1366; and

(i) Meets the income and resource requirements described in subsection (2).

(2) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources not allocated to participation in a prior month must be at or below the resource standard.

(3) A client who is eligible for SSI does not participate SSI income in the cost of care. Such a client who is:

(a) Living at home, retains a maintenance needs amount as described in subsection (5); or

(b) Living in an ARC, EARC, AFH, or AL:

(i) Retains a personal needs allowance (PNA) of fifty-eight dollars and eighty-four cents; and

(ii) Pays remaining SSI income to the facility for the cost of board and room.

(4) A client who is eligible for the general assistance expedited Medicaid disability (GAX) program does not participate in the cost of care. Such a client who is:

(a) Living at home, retains a maintenance needs amount as described in subsection (5); or

(b) Living in an ARC, EARC, AFH, or AL:

(i) Retains a PNA of thirty-eight dollars and eighty-four cents; and

(ii) Pays remaining income and GAX grant to the facility for the cost of board and room.

(5) An SSI-related client living at home retains a maintenance needs amount equal to the following:

(a) Up to one hundred percent of the one-person Federal Poverty Level (FPL), if the client is:

(i) Single; or

(ii) Married, and is:

(A) Not living with the community spouse; or

(B) Whose spouse is receiving long-term care (LTC) services outside of the home.

(b) Up to one hundred percent of the one-person FPL for each client, if both are receiving COPEs services;

(c) Up to the one-person medically needy income level (MNIL) for a married client who is living with a community spouse who is not receiving COPEs.

(6) An SSI-related client living in an ARC, EARC, AFH, or AL receives a maintenance needs amount equal to the one-person MNIL and:

(a) Retains a PNA taken from the MNIL of fifty-eight dollars and eighty-four cents; and

(b) Pays the remainder of the MNIL to the facility for the cost of board and room.

(7) The client's income that remains:

(a) After allocations described in subsection (5) or (6) is allocated as described in WAC 388-513-1380 (1), (2)(b) through (e), (3) and (4); and

(b) After allocations described in subsection (7)(a) is the client's participation in the cost of care.

WSR 00-01-088

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 14, 1999, 3:07 p.m.]

Date of Adoption: December 14, 1999.

Purpose: The department has reviewed the rules for compliance with the clear writing principles in the Governor's Executive Order 97-02. The rules have been rewritten for clarity and simplification without making any policy changes. Some rules are being repealed in order to consolidate those policies in new chapters; the new rules replacing repealed rules do not change existing policy.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-0022, 388-87-0020, 388-87-0025, 388-87-0105, 388-87-0250, and amending WAC 388-501-0175, 388-502-0250, 388-530-1800, 388-530-2050, 388-540-001, 388-540-005, 388-540-010, 388-540-020, 388-540-030, 388-540-040, 388-540-050, and 388-540-060.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 99-20-111 on October 6, 1999.

Changes Other than Editing from Proposed to Adopted Version: Numbering changes for rules proposed as: WAC 388-502-0250 renumbered as WAC 388-502-0130, proposed new WAC 388-557-0100 renumbered as WAC 388-502-0120.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 12, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 12, Repealed 5.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-02 issue of the Register.

WSR 00-01-095

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 99-213—Filed December 15, 1999, 4:57 p.m.]

Date of Adoption: December 10, 1999.

Purpose: Adopt driving on razor clam beds rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-025.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 99-22-054 on November 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1999

Debbie Nelson
for Kelly White, Chairman
Fish and Wildlife Commission

PERMANENT

AMENDATORY SECTION (Amending Order 98-120, filed 7/7/98, effective 8/7/98)

WAC 220-20-025 General provisions—Shellfish. (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess any soft-shelled crab for any purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to use any chemicals when taking or fishing for octopus except for persons granted a scientific collector's permit from the department for the harvest of octopus for display or scientific purposes.

(5) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(6) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

(7) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve(;) or the Sund Rock Marine Preserve(, or the Edmonds Underwater Park)).

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Debbie Nelson

for Kelly White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other food fish and shellfish. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department ((of fisheries)).

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director ((of fisheries)), unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(<i>Hippoglossus stenolepis</i>)
Pacific herring (except as prescribed in WAC 220-49-020)	(<i>Clupea harengus pallasi</i>)
Salmon	
Chinook	(<i>Oncorhynchus tshawytscha</i>)
Coho	(<i>Oncorhynchus kisutch</i>)
Chum	(<i>Oncorhynchus keta</i>)
Pink	(<i>Oncorhynchus gorbuscha</i>)
Sockeye	(<i>Oncorhynchus nerka</i>)
Masu	(<i>Oncorhynchus masu</i>)

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

PERMANENT

**WSR 00-01-096
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-214—Filed December 15, 1999, 4:59 p.m.]

Date of Adoption: December 11, 1999.

Purpose: Adopt commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-010.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 99-22-104 on
November 3, 1999.

Changes Other than Editing from Proposed to Adopted
Version: Change "food fish, except forage fish," to "bottom
fish."

Number of Sections Adopted in Order to Comply with
Federal Statute: New 0, Amended 0, Repealed 0; Federal
Rules or Standards: New 0, Amended 0, Repealed 0; or
Recently Enacted State Statutes: New 0, Amended 0,
Repealed 0.

Number of Sections Adopted at Request of a Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify,
Streamline, or Reform Agency Procedures: New 0,
Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule
Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department (~~(of fisheries)~~) approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department (~~(of fisheries)~~), provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department (~~(of fisheries)~~).

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department (~~(of fisheries)~~).

(9) It shall be unlawful for any person licensed (~~(under the fisheries code of Washington)~~) by the department to fail to make or return any report required by the department (~~(of fisheries)~~) relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of food fish taken by personal-use angling unless otherwise

provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department (~~(of fisheries)~~).

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director (~~(of fisheries)~~), or to perform any act not specifically authorized in said document or in the regulations of the commission or director (~~(of fisheries)~~).

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director (~~(of fisheries)~~).

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West-Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the ~~((fisheries patrol))~~ fish and wildlife enforcement office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department ~~((of fisheries))~~ or bringing food fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(19) It is unlawful to fish for or possess food fish or shellfish taken from any conservation area defined in chapter 220-16 WAC.

(20) It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

Purpose: Adopt license revocation procedure rules.
Statutory Authority for Adoption: RCW 75.08.080.
Adopted under notice filed as WSR 99-19-139 on September 21, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 7, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 10, 1999

Debbie Nelson

for Kelly White, Chairman
Fish and Wildlife Commission

Chapter 220-125 WAC

**LICENSE REVOCATION
AND PRIVILEGE SUSPENSION**

NEW SECTION

WAC 220-125-010 Scope of rules—Definitions. The provisions of this chapter apply to the department's authority under chapters 77.15 and 77.16 RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 or 77.16 RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 or 77.16 RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

NEW SECTION

WAC 220-125-020 Issuing orders of revocation or suspension. Upon a determination that there are grounds for an order of revocation or suspension provided by statute, the director, or the director's authorized designee, is authorized to issue a revocation or suspension order.

WSR 00-01-101

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 99-209—Filed December 16, 1999, 12:52 p.m.]

Date of Adoption: December 10, 1999.

PERMANENT

(1) Time limit for orders. An order shall be issued no later than two years from the last conviction or other event that provides the grounds for the order.

(2) Effective date of orders. An order shall not be effective until the 21st calendar day following the mailing date of the order and shall remain in effect through the entire period of suspension, or the remaining period of the revoked license, unless the order is withdrawn, or unless recipient files a timely request for an adjudicative proceeding under WAC 220-125-050 to contest the order. When there is a timely request for an adjudicative proceeding, the effective date, if any, shall be set by the final order that results from the adjudicative proceeding.

(3) Exception for orders that take effect immediately. If the director makes a finding that public health, safety, or welfare requires emergency action, the order may provide that revocation or suspension take effect immediately, or at any time prior to an adjudicative proceeding. A person subject to such an order may seek an adjudicative proceeding and that proceeding shall include an opportunity to seek expedited review of the determination that the order take effect immediately.

(4) Finality of orders. If there is no timely request for an adjudicative proceeding, then the order shall be final. An order contested in an adjudicative proceeding is final when that proceeding ends in a final order pursuant to the Administrative Procedure Act, or is otherwise dismissed. There shall be no collateral attack nor relitigation of any final order.

NEW SECTION

WAC 220-125-040 Content of order. An order of revocation or suspension shall include the information required by this section.

(1) A statement of material facts, such as the fact of conviction or other material facts set by statute or rule, and a statement of the legal authority that authorizes the order.

(2) A statement identifying what license, tag, or permit, or licensing privileges are revoked and/or suspended.

(3) A statement describing the beginning and end of the period of revocation and/or suspension.

(4) A statement describing rights to request an adjudicative proceeding to contest the order.

NEW SECTION

WAC 220-125-050 Adjudicative proceedings to contest an order of revocation or suspension. A person who is subject to an order of revocation or suspension shall have the rights provided by this section to request an adjudicative proceeding to contest the order. No person other than the recipient of the order or the recipient's legal representative shall have standing to request an adjudicative proceeding. The adjudicative proceeding shall be in compliance with provisions of the Administrative Procedure Act, except as modified by applicable rules of the department.

(1) Service by department. Service of the order by the department is valid if done in any of the following manners:

(a) Personal service on the recipient in the manner allowed by the civil rules for service of a complaint and summons;

(b) Service by mail to the last mailing address of a licensee; or

(c) Service by mail to the mailing address of a person convicted of a violation of chapter 77.15 RCW as shown by court records of the conviction.

When service is by mail, the date of service shall be shown on the department order as the date of department mailing, and may be proved by a certificate of mailing.

(2) Timing for request. An adjudicative proceeding to contest an order of revocation or suspension must be requested no later than twenty days from the date of service of the order. To be timely, the request must be physically received by the office of the director in Olympia, Washington, during normal business hours on or before the 20th day following the date of service of the order, except that if the 20th day falls on a Saturday, Sunday, or state holiday, then the request for hearing shall be timely if received on the next business day. The person requesting an adjudicative proceeding may prove that it was timely requested by obtaining a written receipt of service from the office of the director, or by providing an affidavit showing personal service on the office of the director, or by a United States mail return receipt requested service showing receipt by the department on or before the last day set by this rule.

(3) Manner and content of request. Each request for adjudicative proceeding shall substantially comply with this subsection.

(a) The request shall be in writing;

(b) The request shall identify the order that the person seeks to contest. This can be done by reference to the number of the order, by reference to the subject and date of the order, or by reference to a copy of the order attached to the request;

(c) The request shall state the grounds upon which the person contests the order. If the person contests the factual basis for the order, the person shall allege the facts that the person contends are relevant to the appeal; and

(d) The request shall identify the relief that the person seeks from the adjudicative proceeding by specifying whether the person asks to have the order vacated, or provisions of the order corrected.

NEW SECTION

WAC 220-125-060 Grounds for reversing or modifying an order of suspension or revocation. An adjudicative proceeding to review a department order of revocation or suspension shall reverse or modify an order only when the order was not authorized by law, or as otherwise provided in this section. Where an issue of fact is material to determining the validity of an order, then the department shall be required to prove the fact by a preponderance of evidence, except that a person contesting the order shall have the burden to prove any fact that is in the nature of an affirmative defense.

(1) Adjudicative proceedings to contest an order shall be limited to the following issues:

(a) Whether the person was in fact convicted of the relevant offenses or committed any conduct or actions that are material to the order;

(b) Whether the law authorizes the order of revocation or suspension of the particular license(s) or privilege(s);

(c) Whether the period of revocation or suspension is consistent with the period required or allowed by law; and

(d) Any other issue that the presiding officer determines is necessary to review of the order or review of the discretion exercised by the director.

(2) The presiding officer may, after appropriate conference with the person seeking review and a representative of the department, enter a prehearing order to identify the issues that will be reviewed at the adjudicative proceeding, and to set the time, place, and manner of the proceeding. A prehearing order shall control all future proceedings and issues shall not be raised except as allowed by that order, except when the presiding officer determines that there is good cause. If no prehearing order is entered, then the adjudicative proceeding may occur and review the grounds stated in the request at a time, place, and manner set by the presiding officer. When there is no substantial prejudice to the appellant's ability to contest a department order, an adjudicative proceeding under this subsection may be conducted based on written submissions.

(3) Discovery and subpoenas. Discovery is not allowed except as provided in this rule. A party wishing to engage in discovery, or to compel the attendance of witnesses at the hearing or in discovery, must file a motion with the presiding officer to obtain permission. Such motion shall be served on all parties to the proceeding, and all parties shall have at least five days to respond to the motion before the presiding officer rules, unless the presiding officer shortens time for such a motion based upon a showing of good cause. In addition to the criteria set by RCW 34.05.446(3) for such motions, the moving party shall demonstrate that he or she has attempted in writing to seek a stipulation to the fact or facts that the person seeks to prove using discovery. The presiding officer has discretion to condition or deny discovery.

NEW SECTION

WAC 220-125-070 Orders upon adjudication. (1)

The presiding officer shall enter findings, conclusions, and an order that affirms, modifies, or vacates the original order revoking or suspending. If the presiding officer enters an order that includes any period of revocation or suspension, then the order shall expressly state the beginning and ending period of any period of revocation or suspension, and shall identify the licenses or privileges that are revoked or suspended.

(2) If the revocation or suspension was imposed with a finding of immediate effect pursuant to WAC 220-125-020, then the period shall include such time that the person has been suspended or revoked under WAC 220-125-020. However, if the revocation or suspension did not take effect due to the initiation of the adjudicative proceeding, then the period of revocation or suspension shall begin on the twenty-first day after service of the final order and continue through the period set by statute or applicable rule.

NEW SECTION

WAC 220-125-080 Reinstatement. There shall be no reinstatement petitions authorized for any order of revocation or suspension except as provided by this section.

(1) A person under an indefinite order of suspension or an order that prohibits issuance of licenses for an indefinite period, based on statutes in existence prior to June 11, 1998, may petition the director for reinstatement of privileges by showing that:

(a) The person has complied with an analogous period of suspension that would be imposed under chapter 77.15 RCW; and

(b) The person has not been convicted of violating any fish or wildlife laws of the state of Washington, or any laws in Title 75 or 77 RCW, since the person was suspended or subject to an order prohibiting issuance of licenses to the person.

(2) Notwithstanding subsection (1) of this section, any such indefinite order issued by the former departments of fisheries or game or wildlife, or fish and wildlife, shall expire after ten full years from the initial date of such order.

**WSR 00-01-102
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-210—Filed December 16, 1999, 12:55 p.m.]

Date of Adoption: December 10, 1999.

Purpose: Repeal outdated license revocation rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-20-055 and 220-12-191.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under preproposal statement of inquiry filed as WSR 99-19-131 on September 21, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 10, 1999

Debbie Nelson

for Kelly White, Chairman
Fish and Wildlife Commission

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-20-055 Commercial license conditions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-191 Suspension of licensing privileges—Reinstatement.

**WSR 00-01-103
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-215—Filed December 16, 1999, 12:58 p.m.]

Date of Adoption: December 10, 1999.

Purpose: Amend marine preserve and conservation areas.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-480, 220-16-720, 220-20-020, and 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 99-22-066 on November 1, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-16-480 as proposed: The "Sund Rock Marine Preserve Area" is defined as those waters and bed lands enclosed by a line originating at the shore of Hood Canal, at the mouth of Sund Creek (47° 26' 396N", 123° 07' 070W"), thence due east 350 feet, thence due south to latitude 47° 26' 382N", thence due west until it intersects the beach, including all of the underwater feature known as Sund Rock.

WAC 220-16-480 as adopted: The "Sund Rock Marine Preserve Area" is defined as those waters and bed lands enclosed by a line originating at the shore of Hood Canal, at the mouth of Sund Creek (47° 26.4'N, 123° 7.1'W), thence due east to 123° 6.9'W, thence due south to 47° 26'N, thence due west until it intersects the beach, thence north along the ordinary high water line to the point of origin, including all of the underwater feature known as Sund Rock.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Debbie Nelson

for Kelly White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 98-120, filed 7/7/98, effective 8/7/98)

WAC 220-16-480 Sund Rock Marine Preserve Area. The "Sund Rock Marine Preserve Area" is defined as those waters and bed lands (~~within 200 yards of the salmon net pens located near Sund Rock in Hood Canal~~) enclosed by a line originating at the shore of Hood Canal, at the mouth of Sund Creek (47° 26.4'N, 123° 7.1'W), thence due east to 123° 6.9'W, thence due south to 47° 26'N, thence due west until it intersects the beach, thence north along the ordinary high water line to the point of origin, including all of the underwater feature known as Sund Rock.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-16-720 Brackett's Landing Shoreline Sanctuary Conservation Area. "Brackett's Landing Shoreline Sanctuary Conservation Area" is defined as those bed lands and tidelands owned by the City of Edmonds at Brackett's Landing Shoreline Sanctuary, and the water column above these bed lands and tidelands including all of the area known as Edmonds Underwater Park.

AMENDATORY SECTION (Amending Order 98-120, filed 7/7/98, effective 8/7/98)

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

PERMANENT

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve, or the Sund Rock Marine Preserve (~~or the Edmonds Underwater Park~~).

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. In all fisheries provided for in this section, chinook salmon minimum size 22 inches and no minimum size for other salmon.

(1) Catch Record Card Areas 5 and 6 -

(a) August 1 through September 30, special daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

(b) Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - Special daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - Special daily limit of 2 salmon of which no more than one may be a chinook salmon and release all coho salmon.

(d) February 16 through April 10 - Special daily limit of 1 salmon.

(2) Catch Record Card Area 7:

(a) July 1 through September 30 - Special daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(b) October 1 through October 31 - Special daily limit of 2 salmon, except release chinook salmon.

(c) November 1 through November 30 - Special daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(d) February 16 through April 10 - Special daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection during the period August 16 through October 31 the special

daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon no more than 1 of which may be chinook.

(3) Catch Record Card Area 8-1:

(a) September 1 through October 31 - Special daily limit of 2 salmon except release chinook and pink salmon.

(b) November 1 through November 30 - Special daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(4) Catch Record Card Area 8-2:

(a) August 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon.

(b) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, August 1 through September 30. Special daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(5) Catch Record Card Area 9:

(a) August 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon the entire time and release chum salmon August 1 through September 30.

(b) November 1 through November 30 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds Fishing Pier - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted May 1 through June 30 and August 1 through April 30 from the Hood Canal Bridge Fishing pontoon - Special daily limit of 2 salmon not more than one of which may be a chinook salmon, and release chum salmon August 1 through September 30, and release chinook August 1 through August 31.

(e) February 16 through April 10 - Special daily limit of one salmon.

(6) Catch Record Card Area 10:

(a) July 1 through October 31 - Special daily limit of 2 salmon except release chinook salmon, and:

(i) During the period July 1 through August 16, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open noon August 6 to noon August 9 and noon August 13 to noon August 16 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon. The 2-ounce weight restriction does not apply in this subsection.

(ii) During the period July 1 through October 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period August 1 through September 30, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true east from Illahee State

Park and west of a line projected true south from Point White - Special daily limit of 2 salmon not more than one of which may be a chinook salmon. The 2-ounce weight restriction does not apply in this subsection.

(iv) During the period July 1 through August 31 waters east of a line from Point Wells to Meadow Point are closed.

(b) November 1 through November 30 - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier - Special daily limit of 2 salmon not more than one of which may be a chinook salmon.

(7) Catch Record Card Area 11.

(a) June 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon and release pink salmon.

(b) February 16 through April 10 - Special daily limit of one salmon.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Dash Point Dock and the Point Defiance Boathouse Dock - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(8) Catch Record Card Area 12:

(a) July 1 through August 31 in waters south of Ayock Point - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon and release chum and pink salmon.

(b) August 1 through August 31 in waters north of Ayock Point - Special daily limit of 4 salmon except release chinook, chum and pink salmon.

(c) September 1 through October 15 - Special daily limit of 4 salmon except release chinook, chum and pink salmon.

(d) October 16 through December 31 - Special daily limit of 4 salmon, not more than one of which may be a chinook salmon.

(e) February 16 through April 10 - Special daily limit of 1 salmon.

(f) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(g) The Hood Canal Bridge fishing pier is managed under Area 9.

(9) Catch Record Card Area 13:

(a) May 1 through December 31 - Special daily limit of 2 salmon not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 - Release all salmon.

(c) February 16 through April 10 - Special daily limit of one salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island Public Fishing Pier - Special daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Addition-

ally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, ((and)) Budd Inlet, ((and at)) Titlow Beach and ((the Edmonds underwater park and)) the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

WSR 00-01-104
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed December 16, 1999, 3:15 p.m.]

Date of Adoption: December 16, 1999.

Purpose: Change the name and address of the Division of Risk Management to Office of Risk Management, Room 303, General Administration, P.O. Box 40127, Olympia, WA 98504.

Citation of Existing Rules Affected by this Order: Amending WAC 236-100-013, 236-100-015, and 236-100-016.

Statutory Authority for Adoption: RCW 43.17.060 and chapter 43.19 RCW.

Adopted under notice filed as WSR 99-19-062 on September 15, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 16, 1999

Betty Reed

State Risk Administrator

AMENDATORY SECTION (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

WAC 236-100-013 Definitions. (1) "Agency" or "agencies" as used in this section means all Washington state agencies, boards, commissions, and all state institutions of higher education.

(2) "Development" means any man-made change to improved or unimproved real estate, including but not limited to: Buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(3) "Facility" means something built to serve a particular function other than a structure.

(4) "New construction," for flood plain management purposes, means structures for which the start of construction commenced on or after the effective date of this regulation, WAC 236-100-001 through 236-100-016.

(5) "Property" or "properties" refer to state-owned developments, structures, facilities, and/or the contents of the structure in which the state has an interest.

(6) "Risk manager" means the assistant director of the ~~((division))~~ office of risk management, department of general administration, or his/her designee.

(7) "Special flood hazard areas" refers to areas subject to inundation by a flood having a one percent or greater probability of being equaled or exceeded during any given year. This flood, which is referred to as the one hundred-year flood or the base flood, is the national standard on which the flood plain management and insurance requirements of the National Flood Insurance Program are based. Special flood hazard areas and one hundred-year flood plains are identified on flood insurance rate maps developed and issued by the Federal Emergency Management Agency.

(8) "Structure" means a walled and roofed building, including any gas or liquid storage tank, that is principally above ground and affixed to a permanent site.

(9) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

AMENDATORY SECTION (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

WAC 236-100-015 Flood mitigation standards. (1) When planning the location, acquisition, and/or construction of state-owned developments, structures, or property, one hundred-year flood plains and special flood hazard areas, as identified on flood insurance rate maps or by other available sources, shall be avoided whenever feasible.

(2) If it is necessary to locate, acquire, and/or construct state-owned developments, structures, new construction, or substantial improvements within one hundred-year flood plains and/or special flood hazard areas, agencies must then adhere to the regulations of the National Flood Insurance Program (44 CFR Ch. 1).

(3) In addition to subsection (2) of this section, for all new construction and substantial improvements, both within and outside of any one hundred-year flood plain and/or special flood hazard area, the elevation of the lowest floor, including the basement, shall be at least the greater of either:

(a) One foot above the one hundred-year flood elevation;

or

(b) At the five hundred-year flood elevation.

To achieve this flood protection, state agencies shall, whenever feasible, locate structures outside of one hundred-year flood plains and special flood hazard areas rather than filling

in land within one hundred-year flood plains and/or special flood hazard areas.

(4) Developments, new construction, or substantial improvements which do not meet the requirements of subsections (2) and/or (3) of this section must receive an exemption as specified in WAC 236-100-016(2).

(5) For leased structures with state-owned contents, agencies shall avoid one hundred-year flood plains and/or special flood hazard areas, whenever feasible. If it is necessary for agencies to lease property within one hundred-year flood plains and/or special flood hazard areas, then such leased structure or structures and related development shall meet the minimum requirements of the National Flood Insurance Program. Exemptions from these requirements for leased property must be obtained from the ~~((division))~~ office of risk management pursuant to WAC 236-100-016(2).

AMENDATORY SECTION (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

WAC 236-100-016 Exemptions. (1) Exemptions from the elevation requirements of WAC 236-100-015(3) are granted automatically for:

(a) Facilities where their use and purpose require construction below one hundred-year flood plains and/or special flood hazard areas (e.g., fish pens, fish ladders, holding ponds, dams, etc.);

(b) Roads, bridges, and highway facilities.

(2) All other exemptions from the elevation requirements of WAC 236-100-015 must be granted by the department of general administration, ~~((division))~~ office of risk management. Agencies seeking an exemption must submit a purpose and use statement, including an explanation of why and how the structure, development, or substantial improvement will not comply with these flood mitigation standards. This information must be submitted in writing to the Risk Manager, Department of General Administration, ~~((Division))~~ Office of Risk Management, ~~((Second Floor, 2420 Bristol Court SW, MS: FS 24))~~ 303 General Administration Building, P.O. Box 40127, Olympia, Washington 98504. These requests will be reviewed on a case-by-case basis, and the risk manager will issue a letter of exemption no later than fourteen days after receipt of such request, if in his/her sole discretion it is appropriate to do so.

Denials of any exemptions may be appealed in writing to the Director of the Department of General Administration, 218 General Administration Building, MS: AX-22, Olympia, Washington 98504 within thirty days of the date of the denial letter.

WSR 00-01-122

PERMANENT RULES

DEPARTMENT OF HEALTH

(Chemical Dependency Professionals)

[Filed December 17, 1999, 4:36 p.m.]

Date of Adoption: November 29, 1999.

PERMANENT

Purpose: There is a need to implement the 1998 legislation to further define what will be required for the examination standards for chemical dependency professional certification.

Statutory Authority for Adoption: RCW 18.205.060(7). Adopted under notice filed as WSR 99-20-060 on October 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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Effective Date of Rule: Thirty-one days after filing.

December 17, 1999

Mary C. Selecky
Secretary

Statutory Authority for Adoption: RCW 18.64.005, 69.41.085.

Adopted under notice filed as WSR 99-18-084 on August 31, 1999.

Changes Other than Editing from Proposed to Adopted Version: Reference to RCW has been specifically identified.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 22, 1999

Michael Kleinberg
Board Chair

Chapter 246-888 WAC

MEDICATION ASSISTANCE

EXAMINATION

NEW SECTION

WAC 246-811-060 What examination is required for certification? (1) All applicants must take and pass the National Association of Alcoholism and Drug Abuse Counselor (NAADAC) National Certification Examination for Addiction Counselors or International Certification and Reciprocity Consortium (ICRC) Certified Addiction Counselor Level II or higher examination.

(2) The department will accept the passing score established by the testing company.

(3) The application and application fee must be submitted to the department at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of education and experience, must be submitted at least sixty days prior to the examination date.

WSR 00-01-123

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed December 17, 1999, 4:38 p.m.]

Date of Adoption: October 22, 1999.

Purpose: To provide guidance to individuals and caregivers on the subject of medication assistance in community-based settings.

NEW SECTION

WAC 246-888-010 Purpose. The legislature recognizes that individuals residing in community-based settings or their own homes, may need assistance self-administering their medications, legend drugs and controlled substances, due to physical or mental limitations. The following rules provide guidance to the individual/resident and caregiver on medication assistance and administration.

NEW SECTION

WAC 246-888-020 What is self-administration with assistance and how is it different from independent self-administration or medication administration? Self-administration with assistance means assistance rendered by a nonpractitioner to an individual residing in a community-based setting or his/her own home. It includes reminding or coaching the individual to take their medication, handing the medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into his or her mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that he/she is receiving medications. The individual/resident retains the right to refuse medication. Assistance

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with the administration of intravenous and injectable medications are specifically excluded. Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed boarding homes, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others per WAC 246-316-300. These regulations do not limit the rights of people with functional disabilities to self direct care according to chapter 74.39 RCW.

If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance and/or cannot indicate an awareness that he or she is taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

NEW SECTION

WAC 246-888-030 How is self-administration with assistance initiated in a community based setting? An individual/resident or his or her representative from a community based setting may request self-administration with assistance. The practitioner consults with the individual or his or her representative and the facility in making the decision. A practitioner considers such factors as the physical and mental limitations of the individual and the setting or environment in which the individual resides, for purposes of determining whether or not the individual can safely self-administer with assistance. Practitioners include: A physician, osteopathic physician, podiatric physician, dentist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, and a pharmacist. Refer to chapter 69.41 RCW for a complete listing of authorized practitioners.

No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision making process in the health record of the individual or resident health record.

NEW SECTION

WAC 246-888-040 What if there is a change in the individual's situation? If there is a change in the health status of the individual/resident, medications, physical or mental limitations, or environment, the practitioner may need to be re-involved in the process.

NEW SECTION

WAC 246-888-050 What is an enabler? Enablers are physical devices used to facilitate an individual's/resident's self-administration of a medication. Physical devices include, but are not limited to, a medicine cup, glass, cup, spoon, bowl, prefilled syringes, syringes used to measure liquids, specially adapted table surface, straw, piece of cloth or fabric.

An individual's hand may also be an enabler. The practice of "hand-over-hand" administration is not allowed. Medication administration with assistance includes steadying or guiding an individual's hand while he or she applies or instills medications such as ointments, eye, ear and nasal preparations.

NEW SECTION

WAC 246-888-060 How can medications be altered to assist with self-administration? Alteration of a medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids. Individuals/residents must be aware that the medication is being altered or added to their food.

NEW SECTION

WAC 246-888-070 Can all medications be altered to facilitate self-administration? A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication. If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

NEW SECTION

WAC 246-888-080 What other type of assistance can a nonpractitioner provide? A nonpractitioner can transfer a medication from one container to another for the purpose of an individual dose. Examples include: Pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

NEW SECTION

WAC 246-888-090 Is oxygen covered under this rule? Under state law, oxygen is not a medication and is not covered under this rule. While oxygen is not considered a medication under state law, oxygen does require an order/prescription from a practitioner.

NEW SECTION

WAC 246-888-100 If an individual/resident is able to administer his or her own oral medication through a gastrostomy or "g-tube," can a nonpractitioner provide assistance as outlined in these rules? If the prescription is

written as an oral medication via "g-tube," and if a practitioner has determined that the medication can be altered, if necessary, for use via "g-tube," the rules as outlined for self-administration with assistance would also apply.

NEW SECTION

WAC 246-888-110 Are there any other requirements I need to be aware of? You should be familiar with the rules specifically regulating your residential setting. The department of social and health services has adopted rules relating to medication services in boarding homes and adult family homes.

WSR 00-01-124
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-217—Filed December 17, 1999, 4:48 p.m.]

Date of Adoption: December 10, 1999.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-88A-010, 220-88A-020, 220-88A-030, 220-88A-040, 220-88A-050, 220-88A-060, 220-88A-070, and 220-88A-080; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 74.08.080, chapter 239, Laws of 1999.

Adopted under notice filed as WSR 99-22-096 on November 2, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 8.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Debbie Nelson
for Kelly White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-52-051 Shrimp fishery—Puget Sound. (~~It is unlawful to fish for or possess shrimp taken for commercial purposes from Puget Sound except under the provisions of an~~

~~experimental fishery permit issued with an emerging commercial fishery license. See chapter 220-88A WAC for the qualifications and season, area and gear restrictions.)) (1) A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. The primary operator is required to operate the gear more than one-half of the season and make at least one-half of the landings, as established by valid fish receiving tickets. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license. The alternate operator may operate the gear up to but not equaling one-half of the fishing effort of the vessel per season, and may make up to but not equaling one-half of the landings, as established by valid fish receiving tickets, except that the director may allow operation of the gear and sale of the shrimp by an alternate operator in excess of one-half of the fishing effort in the case of a bona fide medical emergency for which the primary operator has presented a physician's statement which includes the medical condition and expected date of recovery of the primary operator. Notification of the medical emergency, presentation of the physician's statement, and obtaining a waiver from the director must be accomplished prior to the end of the season for which the license holder is seeking exception from the seasonal requirement that the primary operator perform more than one half of the fishing effort.~~

(2) The following areas are defined as Puget Sound Crustacean Management Regions:

(a) Crustacean Management Region 1A - (Western San Juan Islands). The portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary due north of Waldron Island, and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A west of the following line: Beginning at Steep Point on Orcas Island to Neck Point on Shaw Island, then southerly following the west coast of Shaw Island to the southernmost point of Shaw Island, then to the western entrance to Fisherman's Bay on Lopez Island, then southerly and easterly following the west coast of Lopez Island to Point Colville.

(b) Crustacean Management Region 1B - (Eastern San Juan Islands). The portions of Marine Fish-Shellfish Management and Catch Reporting Areas 20B and 22A to the east of Crustacean Management Region 1A and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(c) Crustacean Management Region 1C - (Gulf of Georgia/North Puget Sound Bays). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 21B, and 22B, and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 21A outside of Crustacean Management Region 1B.

(d) Crustacean Management Region 2 - (Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 25B, 25D, 25E, and 26A.

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(e) Crustacean Management Region 3 - (Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 23D, 25A, and 29.

(f) Crustacean Management Region 4 - (Southern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, and 26D.

(g) Crustacean Management Region 5 - (Hood Canal). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25C, 27A, 27B, and 27C.

(h) Crustacean Management Region 6 - (South Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 28A, 28B, 28C, and 28D.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(4) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 220-88A-010 Emerging commercial fishery—Puget Sound shrimp—Purpose.

WAC 220-88A-020 Designation of Puget Sound shrimp pot and Puget Sound shrimp trawl as emerging commercial fisheries.

WAC 220-88A-030 Emerging commercial fishery—Eligibility for Puget Sound shrimp pot experimental fishery permit.

WAC 220-88A-040 Emerging commercial fishery—Eligibility for Puget Sound shrimp trawl experimental fishery permit.

WAC 220-88A-050 Emerging commercial fishery—Puget Sound shrimp experimental fishery permits—Nontransferability—Primary operator participation requirement—Single alternate operator—Medical exception.

WAC 220-88A-060 Emerging commercial fishery—Puget Sound shrimp—Shrimp districts.

WAC 220-88A-070 Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restriction.

WAC 220-88A-080 Emerging commercial fishery—Puget Sound shrimp beam trawl experimental fishery—Seasons and gear.

WSR 00-01-128

PERMANENT RULES

DEPARTMENT OF LICENSING

(Sellers of Travel)

[Filed December 20, 1999, 8:52 a.m.]

Date of Adoption: December 20, 1999.

Purpose: To allow the department to clarify by rule, the required fees as determined by legislative mandate. Legislative changes to chapter 19.138 RCW, has deemed it essential to revise the rules to the Seller of Travel Act.

Citation of Existing Rules Affected by this Order: Amending WAC 308-129-110.

Statutory Authority for Adoption: RCW 19.138.170(1). Adopted under notice filed as WSR 99-19-129 on September 21, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1999

Alan E. Rathbun
Assistant Director

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1999

Debbie Nelson
for Kelly D. White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 96-14-092, filed 7/2/96, effective 8/2/96)

WAC 308-129-110 Seller of travel registration fees.

The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$234.00
Registration renewal	234.00
((Branch office registration fee	25.00
Branch office renewal	25.00))
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

**WSR 00-01-144
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-222—Filed December 20, 1999, 2:59 p.m.]

Date of Adoption: December 10, 1999.

Purpose: To provide additional recreational opportunity for youth by amending WAC 232-28-423.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-423.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 99-22-085 on November 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: The second change in the text was modified to read similar to the first change. This was for clarification purposes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

AMENDATORY SECTION (Amending Order 99-123, filed 8/20/99, effective 9/20/99)

WAC 232-28-423 1999-2000 Migratory waterfowl seasons and regulations.

DUCKS

Western Washington

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

Eastern Washington

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, and 1 canvasback.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, and 2 canvasbacks.

COOT (Mudhen)

Same areas, dates (including Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

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GEESE (except Brant and Aleutian Canada Geese)

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999, state-wide except Western Washington Goose Management Area 2

Daily bag limit: 4 Canada geese

Western Washington Goose Seasons**Western Washington Goose Management Area 1**
Island, Skagit, Snohomish counties

Oct. 9, 1999 - Jan. 2, 2000 for snow, Ross', or blue geese

Oct. 9, 1999 - Jan. 16, 2000 for other geese (except Brant and Aleutian Canada geese)

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1998 authorization and returned the Harvest Report prior to the deadline will be mailed a 1999 authorization in early October. Hunters who did not possess a 1998 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and Regional offices). Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 1999 authorization before the season starts. No applications will be accepted after October 31, 1999. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 31, 2000, will be ineligible to participate in the 2000 snow goose season.

Western Washington Goose Management Area 2

Grays Harbor, Pacific, Wahkiakum, Cowlitz, and Clark counties, except the area of Clark County south of the Washougal River and except the area of Grays Harbor County north of U.S. Highway 12 and west of U.S. Highway 101.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, Mondays, Wednesdays, and Thursdays only, Nov. 24, 1999 - Jan. 16, 2000, except closed Nov. 25 and Dec. 23-25, 1999.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

The Canada goose season for Western Washington Goose Management Area 2 will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The Fish and Wildlife Commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 duskys, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County private lands); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Gray's Harbor County). Quotas may be shifted to other zones during the season to optimize use of the state-wide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1998 written authorization will be mailed a 1999 authorization card prior to the 1999 season. New hunters and those who did not maintain a valid 1998 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be invalidated and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season. It is unlawful to fail to comply with all provisions listed above for Western Washington Goose Management Area 2.

Western Washington Goose Management Area 2**Special Late Canada Goose Season**

Open to Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanying an AHE hunter) possessing a valid 1999 southwest Washington Canada goose hunting authorization. Hunters qualifying for the season will be placed on a list for participation in this hunt. WDFW will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage.

Open to AHE hunters (only) and youth hunters (15 years of age or under, who are accompanying an AHE hunter) in areas with agricultural goose damage in Western Washington Goose Management Area 2 on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, January 22-March 10, 2000

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1998 written authorization will be mailed a 1999 authorization card prior to the 1999 season. New hunters and those who did not maintain a valid 1998 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and Regional offices.

With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must check in prior to the hunt, and after the hunt must go directly to the nearest check station when leaving a hunt site, before 5:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding check station reporting and recording harvest on the Harvest Report, written authorization will be invalidated and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season. It is unlawful to fail to comply with all requirements listed above for the Special Late Canada Goose Season.

Western Washington Goose Management Area 3

Includes all parts of Western Washington not included in Western Washington Goose Management Areas 1 and 2.

Oct. 9, 1999 - Jan. 16, 2000

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Eastern Washington Goose Management Area 1

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from Oct. 9, 1999 - Jan. 10, 2000, Nov. 11, 25, 26, 1999, and every day Jan. 10-16, 2000.

Eastern Washington Goose Management Area 2

Includes all other parts of Eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from Oct. 9, 1999 - Jan. 16, 2000.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only

Open in Skagit and Pacific counties on the following dates:
Jan. 8, 9, 12, 13, 15, 16, 17, 22, 23, 2000

In 1999, the brant wintering population in Padilla/Samish/Fidalgo bays remained below objective levels. If the 1999-2000 pre-season wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the brant season in Skagit County will be closed.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1998 authorization and returned the Harvest Report prior to the deadline will be mailed a 1999 authorization in December. Hunters who did not possess a 1998 authorization must fill out an application (available at Washington Department of Fish and Wildlife Regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1999 authorization in early December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 31, 2000, will be ineligible to participate in the 2000 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed state-wide.

FALCONRY SEASONS**DUCKS AND COOTS (Falconry)**

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 9, 1999 - Jan. 16, 2000, state-wide, except Western Washington Goose Management Area 2:

Western Washington Goose Management Area 2: Nov. 24, 1999-Jan. 16, 2000 and Jan. 22, 2000-Mar. 10, 2000; except closed Nov. 25 and Dec. 23-25, 1999.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

SNIFE (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves.)

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000 state-wide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

WSR 00-01-145**PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 99-221—Filed December 20, 1999, 3:00 p.m.]

Date of Adoption: December 10, 1999.

Purpose: Amend commercial reporting requirement rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-69-210, 220-69-220, 220-69-230, 220-69-234, 220-69-23402, 220-69-240, 220-69-241, 220-69-250, 220-69-254, 220-69-260, 220-69-262, 220-69-264, 220-69-26401, 220-69-271, 220-69-273, 220-69-280, 220-69-290, and 220-69-300.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 99-22-069 on November 1, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-69-220, correct name of department in heading and show information systems with new address and phone number as point of contact for wholesale dealers.

WAC 220-69-230 and 220-69-290, correct name of department.

WAC 220-69-240, change beginning of herring reporting date from April 15 to April 16. Change north Puget Sound reporting from Olympia to LaConner and correct telephone number.

WAC 220-69-264, correct NWIFC zip code.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 18, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 17, 1999

Debbie Nelson

for Kelly White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-210 Purpose. The purpose of this chapter shall be to:

(1) Describe the use of all ((fisheries-)) department catch reporting forms.

(2) Describe the duties of fisherman, sellers, deliverers, growers, purchasers, and receivers regarding catch reporting.

(3) Describe the required information on each catch reporting form.

(4) Describe the distribution of each copy of each catch reporting form.

(5) Describe the use of mechanical imprinters, imprinter cards, and imprinter plates.

(6) Describe the accountability methods for all catch reporting forms.

(7) Ensure compliance with all orders of this chapter.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-69-220 Definition of terms. (1) **Department** ((of fisheries)) as referred to in this chapter means:

Department of ((Fisheries)) Fish and Wildlife
 ((Data Processing Section
 PO Box 43138))
Information Systems
600 Capitol Way North
 Olympia, Washington ((98504-3138)) 98501-1091
 ((Telephone (360) 902-2310 or (360) 902-2312))

(2) **Dealer** as referred to in this chapter means the original purchaser or receiver of food fish, shellfish, or parts thereof.

(3) **Buyer** as referred to in this chapter means the person who receives food fish, shellfish, or parts thereof on behalf of a dealer whose name appears on the buyer's license.

(4) **Fisher** as referred to in this chapter means the person who catches or delivers food fish, shellfish, or parts thereof.

(5) **Original receiver or receiver** as referred to in this chapter means the first person in possession of food fish or shellfish in the state of Washington who is a licensed wholesale dealer or fish handler or who is acting in that capacity, after the food fish or shellfish have been caught or harvested by a commercial fisher.

(6) **Treaty** as referred to in this chapter means any person, group, or activity thereof made unique by virtue of descendancy from Indian tribes signatory to treaties made with the United States government in the mid-1850's where such treaties reserved certain rights in what is now the state of Washington or waters bordering that state.

(7) **Nontreaty** as used in this chapter means all entities not qualified by definition as treaty.

(8) **Treaty Indian** as referred to in this chapter means an individual treaty Indian fisher.

(9) **Working day** as referred to in this chapter means Monday through Friday exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending Order 85-43, filed 5/10/85)

WAC 220-69-230 Description of Washington state nontreaty fish receiving tickets. (1) There is hereby created the following nontreaty fish receiving ticket forms to be prepared, printed, and distributed upon request, by the department ((of fisheries)): ((Cannery)) Puget Sound salmon, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer.
- (b) Address: Address of licensed deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) ((WDF)) WDFW boat registration: Washington department of ((fisheries)) fish and wildlife boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of licensed deliverer.
- (g) Date: Date of landing.

(h) Dealer: Name of dealer, and department ((of fisheries)) number assigned to dealer.

(i) Buyer: Name of buyer, and department ((of fisheries)) number assigned to buyer.

(j) Receiver's signature: Signature of original receiver.

(k) Number of days fished: Days spent catching fish.

(l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.

(m) Catch area: Salmon catch area code if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.

(n) Tally space for dealer's use: Used at dealer's discretion.

(o) Species code: Department ((of fisheries)) assigned species code.

(p) Number of fish, species description, pounds, and value: Summary information for species landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

(q) Work area for dealer's use: Used at dealer's discretion.

(r) Total amount: Total value of landing.

(s) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use.

(t) Crew: Name and signature of crew members who take home fish.

(2) The ((cannery)) Puget Sound salmon fish receiving ticket shall be used for:

(a) Deliveries of nontreaty salmon caught in inland waters.

(b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(3) The troll fish receiving ticket shall be used for:

(a) Deliveries of nontreaty coastal salmon and incidental catch.

(b) Any other nontreaty deliveries where the species delivered may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(4) The marine fish receiving ticket shall be used for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.

(b) Any imports of fresh marine fish or bottomfish.

(5) The utility fish receiving ticket shall be used for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.

(b) Any imports of fresh fish or shellfish that do not include salmon.

(6) The shellfish receiving ticket shall be used for:

(a) Any nontreaty deliveries of shellfish.

(b) Any imports of fresh shellfish.

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

PERMANENT

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-234 Description of treaty Indian fish receiving ticket. (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the department (~~(of fisheries)~~), which shall contain space for the following information:

- (a) Tribal name: Name or identification number of tribe.
 - (b) Fisherman: Name or identification number of deliverer.
 - (c) Signature: Signature of deliverer on tribal copy of ticket.
 - (d) Date: Date of landing.
 - (e) Dealer: Name of dealer, and department (~~(of fisheries)~~) number assigned to dealer.
 - (f) Buyer: Name of buyer, and department (~~(of fisheries)~~) number assigned to buyer.
 - (g) Gear: Code name or number of specific gear type used.
 - (h) Receiver's signature: Signature of original receiver.
 - (i) Catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.
 - (j) Tally space for dealer's use: Used at dealer's discretion.
 - (k) Species and description: Species name of fish landed.
 - (l) Number of fish, pounds, and value: Information for each species landed.
 - (m) Subtotal: Total price of catch landed.
 - (n) Tribal tax: Tribal tax collected.
 - (o) Total: Total price paid seller or deliverer.
 - (p) Take-home fish: Species, number, and pounds of fish retained for personal, ceremonial, or subsistence use.
- (2) The treaty Indian fish receiving ticket shall be used for any deliveries of fish or shellfish caught by Washington treaty Indians.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-23402 Description of aquatic farm production report. (1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the department (~~(of fisheries)~~). The aquatic farmer shall provide the following information:

- (a) Firm name: Name of aquaculture firm and telephone number
- (b) Firm address: Address of aquaculture firm
- (c) Aquatic farm registration number: Department (~~(of fisheries)~~) assigned dealer number
- (d) Species: Common name of species grown at aquatic farm site
- (e) Quantity harvested for sale: Quantity, in production units, of each species harvested for sale each month
- (f) Signature: Signature of firm executive or authorized representative and date signed

(2) The aquaculture production report shall be used for monthly reporting of aquaculture production as specified in WAC 220-69-243.

AMENDATORY SECTION (Amending Order 97-55, filed 3/31/97, effective 5/1/97)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(3) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts made by individuals or consumers at retail.

(b) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish gatherer shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(c) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(d) Private sector cultured aquatic products.

(4) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average

and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(5) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April ~~((15))~~ 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(6) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, ~~((Olympia))~~ LaConner, Washington; telephone (360) ~~((753-6637))~~ 466-4345 ext. 243.

(7) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(8) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(9) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Such report must be by telephone call to the Point Whitney Shellfish Laboratory or by facsimile transmission (FAX) to the Point Whitney Shellfish Laboratory. All reports must specify the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(10) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving

ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-241 Duties of commercial fisherman.

(1) Every fisherman selling his food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisherman who places, or attempts to place, into interstate commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to:

(a) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for each retail sale or out-of-state shipment so made, or

(b) At the close of each day's business, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for the total day's activities, or

(2) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department ~~((of fisheries))~~ identification number and the date.

(c) Sign the fish receiving ticket as the fisherman.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1) WAC 220-69-230 (1)(a) through (m), (p), (s), and (t) shall be required on each completed nontreaty fish receiving ticket except that WAC 220-69-230 (1)(s) and (t) are not required for bottom fish landings from Pacific Ocean waters and waters of Puget Sound west of the mouth of the Sekiu River.

(2) A valid license card or duplicate license card issued by the department ~~((of fisheries))~~ shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(a) through (e) except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department ~~((of fisheries))~~ shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale

of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

~~((5) The Puget Sound crab pot/buoy brand certification number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab taken with shellfish pot gear from Puget Sound waters. The Puget Sound crab pot/buoy brand certification number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.))~~

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-254 Required information on treaty Indian fish receiving tickets. (1) WAC 220-69-234 (1)(a) through ~~((k), (m), (n), (q), and (r))~~ (l) and (p) shall be required on each completed treaty Indian fish receiving ticket.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-69-234 (1)(a) and (b).

(3) A valid dealer or buyer card issued by the department ~~((of fisheries))~~ shall be used in lieu of WAC 220-69-234 (1)(e) and (f).

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-69-260 Distribution of copies of Puget Sound and troll fish receiving ticket. State of Washington Puget Sound and troll fish receiving tickets shall be made out in quadruplicate (four copies) at the time of landing. Upon completion of the fish receiving ticket the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed to the department ~~((of fisheries))~~. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) Dealer copy #2 (yellow) shall be retained by receiver for their use.

(4) Fisher copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 91-07, filed 2/8/91, effective 3/11/91)

WAC 220-69-262 Distribution of copies of marine and utility fish receiving ticket. State of Washington marine and utility fish receiving tickets shall be made out in quadruplicate (four copies) at the time of landing. Upon completion of the fish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed to the department ~~((of fisheries))~~. It is required that the state copy be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The dealer copy #2 (yellow) shall be retained by receiver for their use.

(4) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 91-07, filed 2/8/91, effective 3/11/91)

WAC 220-69-264 Distribution of copies of treaty Indian fish receiving tickets. State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) and the game copy (pink) shall be mailed to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington ~~((98503))~~ 98509. It is required that the state copy and game copy be received by the Northwest Indian Fisheries Commission no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The tribal copy (yellow) shall be mailed with the state and game copies to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington ~~((98503))~~ 98509: Provided, That upon written agreement received by the department ~~((of fisheries))~~ from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.

(4) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 91-07, filed 2/8/91, effective 3/11/91)

WAC 220-69-26401 Distribution of copies of shellfish receiving ticket. State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the shellfish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver of their use.

(2) The state copy #1 (green) shall be mailed to the department ~~((of fisheries))~~. It is required that the state copy be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The state copy #2 (pink) shall be mailed with state copy #1 (green) to the department ~~((of fisheries))~~.

(4) The dealer copy #2 shall be retained by the receiver for their use.

(5) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 80-27, filed 5/2/80)

WAC 220-69-271 Dealer and buyer plates. (1) Upon lawful application for a wholesale dealer's license, a dealer's plate will be issued by the department ((of fisheries)) for any receiver acting as or intending to act as an original receiver. The receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and department ((of fisheries)) dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the department ((of fisheries)) for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, department ((of fisheries)) dealer number, buyer name, and department ((of fisheries)) buyer number.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-69-273 Imprinters. Use of a mechanical imprinter approved by the department ((of fisheries)), in conjunction with a license card or treaty Indian identification card to identify the deliverer, and a dealer plate or buyer plate to identify the receiver on all state of Washington fish receiving tickets is hereby made mandatory.

Provided, That license card information may be recorded manually on the state of Washington fish receiving tickets in the following exceptions:

- (1) Oregon licensed fishers delivering fish caught in the Columbia River.
- (2) Purchases made from out-of-state firms.
- (3) Fishers selling on a delivery license who have not received a delivery license card from the department at the time of their first sale. All subsequent sales require use of a license card.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-280 Fish receiving ticket accountability. Only current year state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

- (1) Official state of Washington fish receiving tickets may be ordered free of charge from the department ((of fisheries)).
- (2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver.
- (3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the department ((of fisheries)).
- (4) Any purchaser or receiver terminating business shall notify the department ((of fisheries)) in writing and shall return all unused fish receiving tickets and ticket books to the

department ((of fisheries)) within thirty days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the department ((of fisheries)) accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the department ((of fisheries)).

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-290 Annual production report. There is hereby created a state of Washington annual production report form to be prepared, printed, and distributed annually by the department ((of fisheries)) to all wholesale dealers, canners, custom canners, and by-product manufacturers. The annual production report shall be completed and returned to the department ((of fisheries)) not later than January 31 for the preceding year of business activities.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-300 Commercial food fish and shellfish transportation ticket. (1) It is unlawful for any person to transport commercial quantities of food fish or shellfish in Washington state unless the person has in possession a completed state of Washington commercial food fish and shellfish transportation ticket (referred to hereafter as a "transportation ticket").

- (2) The transportation ticket shall contain space for:
 - (a) The name of the fisherman who caught the fish.
 - (b) The fisherman's vessel registration number.
 - (c) The signature of the fisherman or additional operator.
 - (d) The name of the transporter.
 - (e) The signature of the transporter.
 - (f) The catch area where the food fish or shellfish were caught.
 - (g) The species of food fish or shellfish being transported.
 - (h) The number or approximate pounds of food fish or shellfish being transported.
- (3) The information in subsection (2)(a) through (h) of this section are required entries on all completed transportation tickets.

(4) The transportation ticket is to be mailed together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, 220-69-262, 220-69-264, and 220-69-26401.

(5) It is unlawful for any transporter of commercial quantities of food fish or shellfish to fail to show the transportation ticket, on demand, to a ((fisheries patrol)) fish and wildlife officer or ex officio ((fisheries patrol)) fish and wildlife officer.

- (6) The provisions of this section do not apply to:
 - (a) Food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase.

- (b) Food fish or shellfish for which a fish receiving ticket has been completed.
- (c) Food fish or shellfish being transported by the department.
- (d) Hatchery carcass sales.
- (e) Private sector cultured aquatic products in transport.
- (f) Food fish or shellfish being transported on an Oregon transportation ticket.
- (g) Food fish or shellfish being transported in the catching vessel.

WSR 00-01-148**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed December 21, 1999, 8:46 a.m.]

Date of Adoption: December 21, 1999.

Purpose: This section is a portion of the rules which establish inspection and testing requirements for seed garlic certification. This section (WAC 16-334-040) currently references WAC 16-401-025 and 16-470-910. These sections have been superceded by WAC 16-401-026 and 16-470-911, respectively, and are no longer in effect. The amendment would remedy the erroneous citations.

Citation of Existing Rules Affected by this Order: Amending WAC 16-334-040.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 99-21-082 on October 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 21, 1999

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 98-11-048, filed 5/18/98, effective 6/18/98)

WAC 16-334-040 Inspection and testing requirements for certification. (1) The department shall conduct the following inspections for white rot fungus:

- (a) One growing season inspection for all field plantings;
- (b) One inspection at harvest or during storage;

(2) The department shall collect samples and conduct laboratory analysis for stem and bulb nematode on the following:

- (a) Soil from all sites prior to planting;
- (b) Plants from foundation and registered blocks, collected at approximately 20 foot intervals and composited on a one acre basis;
- (c) Plants from certified blocks equal to or greater than one quarter acre intended to be planted back for recertification, collected at approximately 20 foot intervals and composited on a one acre basis;
- (d) Plants from certified blocks of less than a quarter acre intended for recertification, comprising a reasonable sample of not more than five percent of the total plants.

(3) The department may require additional inspections or tests as needed.

(4) Inspection fees as established in (~~WAC 16-401-025~~) chapter 16-401 WAC and laboratory analysis fees as established in (~~WAC 16-470-910~~) chapter 16-470 WAC are applicable to this program.

(5) Payment is due upon completion of each inspection or test. Billing may be arranged subject to department policies and processes.

WSR 00-01-149**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed December 21, 1999, 8:49 a.m.]

Date of Adoption: December 21, 1999.

Purpose: This section establishes requirements and process for the inspection, phytosanitary certification, and testing of certified grape nursery stock. This section (WAC 16-462-030) currently references WAC 16-401-025 and 16-470-910, which have been superceded by WAC 16-401-026 and 16-470-911, respectively, and are no longer in effect. The amendment would remedy the erroneous citations.

Citation of Existing Rules Affected by this Order: Amending WAC 16-462-030.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 99-21-083 on October 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
December 21, 1999
Jim Jesernig
Director

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 8, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
Effective Date of Rule: Thirty-one days after filing.

December 20, 1999
Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-030 Certified grape nursery stock—

Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take plants or plant parts from any planting stock enrolled in the program as registered for inspection or indexing.

(2) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in ~~((WAC 16 401 025 and 16 470 910))~~ chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

WSR 00-01-150
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed December 21, 1999, 9:12 a.m.]

Date of Adoption: December 20, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-91-010 Proration and reciprocity [agreements] and 308-91-170 Washington fee/tax receipt; and amending WAC 308-91-030 Definitions, 308-91-040 General provisions, 308-91-050 Applications for proportional registration, 308-91-060 Reporting, 308-91-080 Temporary authorization permits (TAPs), 308-91-095 Trip leasing, 308-91-120 Federal heavy vehicle use tax, and 308-91-140 Vehicle transaction fee.

Statutory Authority for Adoption: RCW 46.87.010.

Adopted under notice filed as WSR 99-21-096 on October 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 8, Repealed 2.

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-030 Definitions. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

For the purpose of this code, the terms "apportioned," "proration," "prorate," "International Registration Plan (IRP)," and "proportional registration" are synonymous.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs ~~((issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered)).~~

(2) "Base jurisdiction," ~~((under provisions of the compact,))~~ means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) ~~(("Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."))~~

(4)) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

~~((5))~~ (4) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

~~((6))~~ "Compact" ~~means the uniform vehicle registration proration and reciprocity agreement.~~

(7)) (5) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

~~((8))~~ (6) "Department" means the department of licensing, state of Washington.

~~((9))~~ "Double bottom" (DB) ~~means two full trailer(s)/semitrailer(s) used in a combination of vehicles.~~

(10)) (7) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

~~((11))~~ (8) "Experience period." See "preceding year" definition.

(9) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

~~((12))~~ (10) "Interstate ~~((operation))~~ or interjurisdiction movement" means vehicle movement between or through two or more jurisdictions.

~~((13))~~ (11) "Intrastate ~~((operation))~~ or intrajurisdiction movement" means vehicle movement within a single juris-

diction, from one point within that jurisdiction to another point within the same jurisdiction.

~~((14))~~ (12) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

~~((15))~~ (13) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

~~((16))~~ (14) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

~~((17))~~ (15) "Mileage ~~((experience))~~ year." See "preceding year~~(-)~~" definition.

~~((18))~~ (16) "Owner-operator" means an equipment lessor who leases their ~~((vehicular equipment))~~ vehicle with driver to a carrier.

~~((19))~~ (17) "Preceding year" means the period of twelve consecutive months ~~((ending on the last full calendar quarter, at least four months))~~ prior to July 1st of the year immediately before the ~~((beginning))~~ commencement of the registration or license year for which apportioned registration is sought. This term is used interchangeably with experience period and mileage year.

~~((20))~~ (18) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends ~~((full))~~ vehicle license reciprocity ~~((because of an agreement, arrangement, declaration or mirror reciprocity))~~ as provided for in chapter 46.85 RCW ((46.85.080)).

~~((21))~~ (19) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

~~((22))~~ (20) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

~~((23))~~ (21) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~((24))~~ "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

~~((25))~~ (22) "Trip lease" means a lease of ~~((vehicular equipment))~~ vehicle(s) to a ~~((common or contract))~~ carrier (lessee) for a single interjurisdictional movement ~~((by either (a) another common or contract carrier for transportation in the direction of a point which the lessor carrier is authorized to serve, or (b) a carrier of exempt commodities, as defined in the interstate commerce act, for transportation in the general direction of the general area in which the vehicle is based)).~~

The term may also include a similar intra-jurisdictional movement ~~((intrastate))~~ where such movement is authorized under the laws of the jurisdiction.

~~((26))~~ (23) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is ~~((40,000))~~ 54,000 pounds) under RCW 46.87.040.

~~((27))~~ (24) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

~~((28))~~ (25) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

~~((29))~~ "Washington fee/tax receipt" is a receipt issued to foreign-based IRP vehicles for which Washington must calculate and collect Washington fee/taxes. The receipt is issued upon payment of the Washington fee/taxes due on the vehicle. The receipt is proof of payment of Washington fee/taxes and must be carried with the vehicle while being operated in Washington.)

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-040 General provisions. ~~((1))~~ Fleet composition. Carriers may separate their apportionable vehicles into two or more fleets. Fleets will consist of either motor or nonmotor vehicles but not a mixture of both.

~~(2)~~ Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

~~(3)~~ Filing and compliance dates. Proportional registration renewal applications must be filed with the prorate section of the department no later than two months immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the filing deadline indicated above. Washington proportional registrations expire at midnight, on the expiration date indicated on the cab card.

~~(4)~~ Proportional registration credentials. Washington prorate credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorate backing plate upon which is affixed current prorate validation tabs. If the vehicle described on the cab card is Washington-based, apportioned license plates, with current validation tabs affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card will show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card or the

Washington fee/tax receipt issued by the department, or the RP base jurisdiction's cab card, are the only acceptable evidence of proportional registration in this state, unless the receipt required by WAC 308-91-170 is required to accompany the base jurisdiction's cab card. The prorated backing plate, if applicable, is mounted on the front of a power unit.

~~(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one fleet to another fleet.~~

~~(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorated credentials will be disposed of as follows:~~

~~(a) Vehicle based in Washington. The cab card and apportioned plate(s) with current validation tabs attached must be returned to the prorated section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.~~

~~(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorated section. The prorated backing plate with validation tab attached must be returned to the prorated unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end-of-year deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.~~

~~(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.)) (1) Can carriers separate their apportionable vehicles into more than one fleet? Yes, carriers may separate their apportionable vehicles into two or more fleets.~~

~~(2) Can a fleet consist of both motor and nonmotor vehicles? No, a fleet must consist of either motor or nonmotor vehicles.~~

~~(3) What are proportional registration credentials? Proportional registration credentials consist of a current cab card, vehicle license plate and validation tabs.~~

~~(4) How must I display my cab card? The original cab card must be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, may be carried in the power unit. If you have renewed for a subsequent registration year but are still operating in the current registration year, you are required to carry both cab cards.~~

~~(5) Are photocopies of the cab card acceptable? Photocopies or other facsimiles of any cab card cannot be used for the power unit but may be used for any trailing unit.~~

~~(6) May my proportional registration credentials be transferred? Vehicle license plates and validation tabs may be transferred when moving the vehicles from one fleet to another fleet for the same registrant. Cab card(s) cannot be transferred under any circumstance.~~

~~(7) When must I surrender my proportional registration credentials? Cab card(s) must be surrendered in order to receive license fee credit unless the supplement is filed electronically.~~

(8) Under what circumstances may Washington license fees be adjusted? For unpaid invoices, Washington license fees may be adjusted, in one-twelfth increments, if reasonable cause has been established. Reasonable cause may be considered as the demise of the registrant, destruction of a vehicle, theft or other cause the department determines otherwise acceptable. Washington license fees may also be adjusted by audit.

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-050 Applications for proportional registration. ~~((1) Applicants desiring proportional registration in this state must make application to the prorated section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Motor vehicles and nonmotor vehicles must be in separate fleets. Incorrect, illegible, or incomplete applications will be returned without action.~~

~~(2) Registration options for owner-operators who lease their vehicle(s) with driver(s) to motor carriers are as follows:~~

~~(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name. The registration will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.~~

~~(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.~~

~~(3) The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.~~

~~(4) After an original or renewal proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a prorated registration application supplement—Schedule "A & C" in the manner prescribed.~~

~~(5) In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorated credentials by the department, provided that:~~

(a) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(b) The proportional registration renewal application or supplement - Schedule "A & C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorate section of the department; and

(c) The applicant's proportional registration account is considered to be in good standing and on active status.

(6) The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(a) Mail;

(b) Facsimile transmission;

(c) Over the counter.)) (1) **How do I apply for proportional registration?**

Application for proportional registration must be submitted to the prorate section. Incorrect, illegible, unsigned or incomplete applications may be returned.

(2) **What titling/registration options are available to owner-operators registering vehicles under the IRP?** Options available for owner-operators registering under the IRP are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name only. The cab card will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) **What titling/registration options are available to household goods carriers registering vehicles under the IRP?** Household goods carriers may register vehicles under the IRP in the following ways:

(a) When the agent is the lessor and the company is the lessee, you may title and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The IRP application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee; or

(b) Owner-operators, other than service representatives, who exclusively transport cargo for household goods carriers, shall register their vehicle in the carriers base jurisdiction. Registration shall be in both the owner-operator's name and that of the carrier as lessee.

(4) **What is a temporary letter of authority?** A temporary letter of authority, issued by the department that allows

operation of a vehicle pending issuance of permanent credentials.

(5) **May I receive a temporary letter of authority?** Yes, you may receive a temporary letter of authority if the proportional registration supplement - Schedule "A & C" and supporting documents relating to such vehicles are acceptable, on file and under any of the following conditions:

(a) The applicant's proportional registration account is on active status and considered to be in good standing; or

(b) If you have an existing account and are starting a new fleet; or

(c) If the vehicle is currently prorated or fully licensed in the state of Washington and the registrant is establishing a new prorate account.

(6) **How long is the temporary letter of authority effective?** The department may determine the duration of the temporary letter of authority, not to exceed two months from the effective date.

(7) **How can I receive a temporary letter of authority?** A temporary letter of authority is issued in one of the following ways:

(a) Mail;

(b) Facsimile transmission; or

(c) At prorate and fuel tax licensing services offices.

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-060 Reporting actual and estimated mileage and prorate percentage. ((1) Vehicles developing mileage experience must travel in two or more jurisdictions during the mileage experience or registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the mileage experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate during the registration year are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Estimated mileage:

(a) New fleets will estimate their mileage for the first year of operation, however, if actual operation was conducted for at least three months prior to the date of application, actual mileage will be used in calculating the prorate percentage.

(b) When a carrier wants to expand operations of a fleet into a new jurisdiction(s), mileage will be estimated for such jurisdiction(s) as indicated for new fleets in (a) of this subsection. Because the prorate percentage of the fleet is based on the actual mileage accumulated by the fleet during the preceding year, the prorate percentage for the new jurisdiction(s)

will be above that calculated for the original jurisdictions in which the fleet operated during the preceding year.

(e) If a fleet fails to accumulate mileage during the preceding year in a jurisdiction(s) in which the fleet was registered and they desire to register the fleet in such jurisdiction(s) the following year, mileage will be estimated for such jurisdiction(s) as indicated for new jurisdictions in (b) of this subsection.

(4) Mileage computation:

(a) Applications containing power units only: Use miles of prorate fleet power units only.

(b) Applications containing trailing units only: Use either the mileage traveled by the trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see alternate measures provided under the provisions of RCW 46.87.120(3).

(5) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations:

(b) Estimated mileage on renewal applications:

(c) Mileage data, other than estimated mileage, expressed in rounded off numbers on renewal applications:

(d) Identical mileage data reported for consecutive registration years for the same fleet.

(6) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.) (1)

How does the preceding year mileage relate to the application Schedule B? The Schedule B application is used to list all actual miles traveled by all apportioned vehicles licensed with the fleet during the period of July 1st through June 30th of the preceding year and estimated annual miles in new jurisdictions where travel is intended.

(2) How are the miles listed on the Schedule B used? The miles are used to determine a jurisdiction's prorate percentage. The jurisdiction's prorate percentage determines how much of the jurisdiction's fees will be charged. The jurisdiction's mileage will be divided by an appropriate total mile figure to determine that percentage.

(3) Would there be any time in which actual miles would not be reported on my Schedule B application? Yes, if an apportioned vehicle did not operate in two or more jurisdictions during the registration year, you would not include those vehicle miles on the Schedule B.

(4) What is the registration year? A registration year is any twelve-month time period in which apportioned vehicles are registered in any given fleet.

(5) When would estimated miles be used on my application Schedule B for the registration year? You would use estimated miles under one of the following conditions:

(a) First year operation of a new account or fleet; or

(b) When a registrant wants to expand operations into new jurisdiction(s); or

(c) If the fleet failed to accumulate actual miles during the preceding year into jurisdiction(s) not traveled in which the fleet was registered and registration is still desired.

If there is a major change of operation to an existing fleet during the registration year, you will need to submit an amended application Schedule B. The Schedule B will list estimated miles for all jurisdictions in which you desire apportioned registration for the new operation.

(6) How do I report my mileage if I incorporate? If you incorporate, you must use estimated miles as a new account unless you have at least three months of actual mileage during the preceding year.

(7) What is a major change of operation? There are two types of major change of operations. They are:

(a) A major change of operation occurs when fleet mileage and registered jurisdictions increase more than fifty percent during the registration period; and

(b) Any change in registration pattern, which leaves Washington the only registration jurisdiction with actual mileage in the preceding year.

(8) What mileage would I report on the application Schedule B for my trailer fleet? Use either the mileage traveled by trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see measures provided under the provisions of RCW 46.87.120(3) or the International Registration Plan.

(9) What type of conditions would cause my application Schedule B to be rejected? The department may reject an application Schedule B based upon, but not limited to, the following examples:

(a) Estimated mileage that does not realistically reflect proposed operations;

(b) Mileage data, other than estimated mileage, expressed in rounded off numbers on renewal applications; or

(c) Identical mileage data reported for consecutive registration years for the same fleet.

(10) How does the department treat actual or estimated miles in the determination of the prorate percentage? The department has adopted a consistent approach. Any jurisdiction which shows actual miles will have a prorate percentage based on the total actual miles traveled by the fleet. Any jurisdiction which shows estimated miles will have a percentage based on the total actual miles and estimated miles by the fleet.

(11) What is the result of an applicant answering either Y or N on the application Schedule B? A Y indicates that the applicant requests registration in a jurisdiction and apportioned fees will be calculated. An N indicates that the applicant does not request registration in a jurisdiction and no apportioned fees will be calculated.

(12) How do I determine my apportionable miles?

Apportionable miles are accumulated by registered apportionable vehicles and determined as follows:

(a) Include only those miles for a vehicle which traveled in two or more jurisdictions during the registration year. If a vehicle did not travel interstate during the registration year, do not include the mileage for that vehicle in your apportionable miles; and

(b) Except as noted in (a) of this subsection, the mileage reported must be the actual miles accumulated by those vehicles that were part of the proportionally registered fleet during the preceding year.

(c) If a vehicle was part of the proportionally registered fleet for only a part of the preceding year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the preceding year.

(d) If a carrier has more than one proportionally registered fleet, a separate mileage report must be kept for each fleet.

AMENDATORY SECTION (Amending WSR 95-05-045, filed 2/10/95, effective 3/13/95)

WAC 308-91-080 Temporary authorization permits TAPs. ((Washington temporary authorization permits (TAPs) are available to carriers prorated with the state of Washington and who have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years. These permits may be used by qualified carriers to allow immediate operation of vehicles in their fleets pending issuance of proportional registration credentials.

Carriers desiring to utilize TAPs must make application in writing to the prorate section of the department. Upon approval of the application, the carrier may place an order for TAPs on a form prescribed by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of issuance. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. TAPs are not transferable. All unused TAPs must be returned to the department upon cancellation or nonrenewal of the carrier's prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may be used to:

(a) Add vehicles to established fleets;

(b) Increase gross weight of vehicles in established fleets;

(c) Add jurisdictions to established fleets;

(d) Transfer vehicles from one established fleet to another;

(e) Establish a new fleet.

(3) TAPs must be completed in a legible manner. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross

weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week. If TAP is to be used for a vehicle registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department and carrier's records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington prorate application supplement.

(5) When TAPs have been issued, a prorate registration application supplement Schedule "A & C" listing such vehicles must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, prorate registration application supplement Schedule "A & C" and TAPs should be issued from the same location.

(6) Grounds for suspension and cancellation of TAP are:

(a) Failure to comply with chapter 46.87 RCW and chapter 308-91 WAC; or

(b) Failure to make timely payment of registration fees, taxes or audit assessments when due and final.)

(1) What is a temporary authorization permit? A temporary authorization permit is a department authorized permit that allows a carrier immediate operation of vehicles in their fleet pending issuance of proportional registration credentials. Once authorized by the department, the carrier may issue TAPs as necessary.

(2) Who may qualify for TAPs? Washington TAPs are available to Washington based carriers.

(3) How may I obtain TAPs? Carriers desiring to utilize TAPs must contact the department. Upon approval, the carrier may place an order for TAPs on a form prescribed by the department.

(4) Once issued for a vehicle, how long is a TAP valid? Each TAP is valid for a period of two months from the date of issuance by the carrier.

(5) What are the procedures and guidelines for using TAPs? The following procedures govern the use and issuance of these permits:

(a) TAPs are serially numbered and must be issued in sequential order:

(b) Carriers are accountable and liable for all TAPs purchased from the department:

(c) TAPs are not transferable to another carrier:

(d) No refunds or credits will be given for unused TAPs sold by the department to the carrier.

(6) What is the purpose of TAPs? TAPs may be used to:

(a) Add vehicles to established fleets:

(b) Increase gross weight of vehicles in established fleets:

(c) Add jurisdictions to established fleets: or

(d) Establish a new fleet.

(7) What should I do if I make an error completing the TAP? If an error is made in the account name, issue date, expiration date, gross weight, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week.

(8) How are the copies of the TAP distributed?

(a) The original TAP marked "To accompany the vehicle" is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the power unit:

(b) The "Applicant's" copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310; and

(c) The "Prorate" copy is to be attached to a Washington prorate application supplement.

(9) When must I submit my TAPs? Return the prorate copy with the supplemental application to the prorate section within seven calendar days of issuance. The TAP copy to be submitted to prorate states at the bottom of the form "Prorate Copy."

(10) Under what circumstances may the department suspend or cancel my TAP account? Your TAP account may be suspended or canceled for:

(a) Failure to comply with chapter 46.87 RCW and chapter 308-91 WAC; or

(b) Failure to make timely payment of registration fees, taxes or audit assessments.

AMENDATORY SECTION (Amending WSR 91-06-093, filed 3/6/91, effective 4/6/91)

WAC 308-91-095 Trip leasing. What are the requirements for trip leasing? The requirements for ((single)) trip leasing ((in interstate commerce under interstate commerce commission (ICC) regulations)) are as follows:

(1) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(2) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(3) A completed copy of the ((single)) trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(4) All mileage accumulated throughout the duration of the ((single)) trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports, and ((single)) trip lease agreement must be maintained by the lessor for a period of four years following the mileage ((experience)) preceding year or period upon which the application is based.

(5) The lessor of a ((single)) trip lease agreement is responsible for licensing and recordkeeping.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-120 Federal heavy vehicle use tax. (1) ((Any owner registering a Washington-based fleet of commercial vehicles in one or more other jurisdictions and engaged in interstate operation, may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW, proportionally register the vehicles of the fleet under the provisions of chapter 46.87 RCW by filing a proportional registration application with the department:

(2)) Who must show proof of payment of federal heavy vehicle use tax? The department of licensing ((shall)) requires owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service. ((The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration.))

(2) What does the department require for proof of payment of federal heavy vehicle use tax? Acceptable proof for registration purposes is either:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted Schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with Schedule 1 as filed with the IRS and a photocopy of the front and back sides of the cancelled check used for the payment of taxes to the IRS.

(3) When is proof of payment of federal heavy vehicle use tax not required? If a vehicle is purchased within sixty days, proof of federal heavy vehicle use tax is not required at the time of registration.

(4) What happens if I do not provide proof of payment of the federal heavy vehicle use tax? The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration or renewal.

AMENDATORY SECTION (Amending Order PFT 8803, filed 3/2/88)

WAC 308-91-130 Hunter's permit. (1) ((Upon request, Washington will provide a means of temporary registration (hunter's permit) for)) What is a hunter's permit? A permit authorized by the department that allows owner-operators to move their empty ((vehicle or combination of)) (unladen) vehicle(s) from one lessee-carrier fleet((, which

they were a part of,)) to a new lessee-carrier fleet ((~~to~~)) in which they will become a part of the fleet. This ((temporary authority)) permit will be issued without cost and be valid for ten days from the date of ((issue)) issuance. ((Photocopies of the permit will not be valid.

~~(2) The purpose of a hunter's permit is to allow an owner-operator to move their empty (unladen) vehicle or combination of vehicles from one lessee-carrier fleet to another without the need for further registration and/or violation of general registration statutes in IRP jurisdictions.~~

~~(3)) (2) Can my hunter's permit be used in other jurisdictions? Yes, a hunter's permit issued by an IRP jurisdiction to an owner-operator, who was formerly based in such jurisdiction, will be honored in this state or any other jurisdiction for operation at the unladen weight of the ((vehicle or combination of)) vehicle(s) listed therein. ((If vehicles operating under authority of a hunter's permit attempt to carry any load or if the permit appears to have been tampered with, it shall be considered to be invalid and will be confiscated. Photocopies of hunter's permits are not acceptable.))~~

AMENDATORY SECTION (Amending Order PFT 89-03, filed 3/10/89)

WAC 308-91-140 Vehicle transaction fee. How much is the vehicle transaction fee? The vehicle transaction fee ((pursuant to RCW 46.87.130 is hereby established in the amount of)) is four dollars and fifty cents.

NEW SECTION

WAC 308-91-171 Mitigation of fees, penalties and/or interest. (1) Under what circumstances may a fee, penalty and/or interest be mitigated? The department may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from proportional registration transactions, assessments, and/or lack of complete records.

(2) How will the department determine whether fees, penalties and/or interest should be mitigated? The department will review records, accounts history or other information in arriving at its decision to mitigate.

NEW SECTION

WAC 308-91-172 Appeals. (1) What are the appeal procedures? Any person having been issued a notice of assessment for taxes, fees, penalties and/or interest who wishes to contest such notice may petition the department of licensing for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department of licensing within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, fees, penalties and/or interest that the petitioner believes to be due.

(2) What happens after the department receives the petition for an informal hearing? Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify the petitioner by

mail at least ten days prior to the scheduled date. If the petitioner is unable to attend the hearing on the date or time scheduled, the petitioner may request the department to reschedule the hearing. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person authorized to present the case.

(3) What happens if I fail to appear for my hearing without prior notification? Failure to appear may result in the loss of your administrative appeal rights.

(4) What happens following my informal hearing? The department will make a determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) What if I do not agree with the department's informal hearing determination? You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination that the petitioner feels are in error and set forth the reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days' notice.

(6) When does my reassessment become final? The department's decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner unless further appealed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-91-010 Proration and reciprocity agreements.
- WAC 308-91-170 Washington fee/tax receipt.

**WSR 00-01-151
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed December 21, 1999, 9:20 a.m.]

Date of Adoption: December 20, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-505, 308-96A-510, 308-96A-520, and 308-96A-540; and amending WAC 308-96A-046, 308-96A-050, 308-96A-056, 308-96A-057, and 308-96A-530.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.276, 43.17.060.

Adopted under notice filed as WSR 99-21-051 on October 18, 1999.

Changes Other than Editing from Proposed to Adopted Version: Proposed WAC 308-57-505 Member of the armed forces—Excise tax exemption for nonresidents.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 4; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1999

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 97-07-013, filed 3/11/97, effective 4/11/97)

WAC 308-96A-046 Qualified veteran's free license.

(1) ~~((Disabled American veterans, former prisoners of war, surviving spouses of deceased former prisoners of war qualified pursuant to RCW 73.04.110 may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from annual licensing fees and motor vehicle excise tax.~~

(2) ~~For purposes of this section, "personal use vehicle" means passenger vehicles, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight.~~

(3) ~~Emission inspections are required pursuant to chapter 70.120 RCW.~~

(4) ~~When personalized license plates are issued, the personalized license plate fee pursuant to RCW 46.16.585 is required to be paid.~~

(5) ~~Propane, butane, and natural gas powered vehicles subject to annual liquefied petroleum gas (LPG) fees pursuant to RCW 82.38.075 is required to be paid.~~

(6) ~~Disabled American veterans must provide confirmation of eligibility pursuant to RCW 73.04.110 with the initial application.~~

(7) ~~The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate pursuant to chapter 73.04 RCW. In addition to confirming eligibility for the deceased, the spouse must furnish the following:~~

~~(a) A certified copy of the death certificate of the deceased former prisoner of war; and~~

~~(b) An affidavit that the applicant is not currently married or remarried after the death of the former prisoner of war.~~

~~(8) When the special license plate or free veteran license is transferred to another vehicle, the registration period for the vehicle, from which the exemption is removed, is expired. The disabled veteran, former prisoner of war or surviving~~

~~spouse of a former prisoner of war must notify the department of the transfer and pay the transfer fees in effect.~~

~~(9) The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must be a registered or co-registered owner or lessee or co-lessee of the vehicle for which a free veteran license is granted.~~

~~(10) When a vehicle with a free veteran license is sold or otherwise disposed of, the special license plate must be removed and the registration period for the vehicle is expired.)~~ **Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?**

(a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110:

(b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and

(c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license fee as defined in RCW 46.16.060(1). Other taxes and fees may apply.

(2) What vehicles are considered personal use vehicles? For purposes of this section, "personal use vehicle" means passenger vehicles, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight. This exemption cannot be applied to vehicles belonging to business.

(3) Will I be subject to other taxes and fees? Yes, other taxes and fees may apply depending on the type of license plate requested.

(4) What must be provided to qualify for a veteran's free license? If the applicant is:

(a) A disabled American veteran, they must provide a letter of eligibility from the Washington state veteran's administration or military service confirming disability under RCW 73.04.110 with the application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Washington state veteran's administration or the military service from which the veteran was discharged.

(c) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate under chapter 73.04 RCW. In addition to confirming eligibility, the surviving spouse must furnish the following:

(i) A certified copy of the death certificate of the deceased former prisoner of war; and

(ii) An affidavit that the applicant is not currently married.

(5) May I transfer my veteran free license plate to another qualifying vehicle? Yes, you may transfer your veteran free license plate to another vehicle.

(a) You must notify the department of the transfer and pay the transfer fees in effect; and

(b) If transferring the license plate to another vehicle, you must display the permanent tab issued by the department.

(6) If I choose to retain the vehicle from which the veteran free license plate was removed, do I need to register it? Yes, if you choose to continue to use the vehicle on the highway, the vehicle shall be registered under chapter 46.16 RCW.

(7) How do I dispose of the veteran free license plate if I no longer qualify? The veteran free license plate no longer in use must be surrendered to a vehicle licensing office or to the department within fifteen days as required by WAC 308-96A-098.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-050 Nonresident members of the armed forces—~~((Excise tax exemption for nonresidents))~~ **Plates displayed—Vehicle ownership change.** ~~((1) Military personnel stationed in Washington may operate their personal vehicles with the current license plates of their "official home of record" or with current Washington plates. Military personnel are not required to pay Washington excise tax if their official home of record is not Washington. A properly completed "Nonresident military affidavit" on a form supplied by the department must be submitted with the original application for the excise tax exemption. Each subsequent renewal of license for such a vehicle must be accompanied by proof of the continued nonresident military status, such as, but not limited to, an active military identification card, for the excise tax exemption. Washington residents in the military are not exempt from excise tax.~~

~~(2) The spouse of a nonresident military person who is stationed away from his or her home state has the same licensing privilege as a nonresident military person stationed in Washington as long as the vehicle is registered to the military person or to the military person and spouse, regardless of the spouse's employment or residence.~~

~~(3) If the nonresident military person sells the vehicle, the new owner does not become liable for the payment of excise tax and license fees until expiration of the current registration.)~~ **What license plates must be displayed on a vehicle registered to a nonresident military person assigned to duty in Washington?** Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

(1) License plates issued from their official home of record (state of bona fide residence);

(2) License plates issued from a jurisdiction other than their official home of record until such time as that license registration is expired;

(3) Washington license plates; or

(4) License plates issued by the military commonly referred to as USA registration.

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

AMENDATORY SECTION (Amending WSR 97-07-013, filed 3/11/97, effective 4/11/97)

WAC 308-96A-056 Pearl Harbor survivor license plates. ~~((Any Washington resident who served in the United States armed forces and is a survivor of the attack on Pearl Harbor may receive a set of special license plates pursuant to RCW 46.16.305.~~

~~(1) Applications for the special license plates shall include:~~

~~(a) A certification of eligibility from a Washington state chapter of the Pearl Harbor Survivors Association; and~~

~~(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.~~

~~(2) If the applicant is the surviving spouse of a deceased Pearl Harbor survivor, in addition to the documentation furnished in subsection (1) of this section, the applicant shall include:~~

~~(a) A certified copy of the Pearl Harbor survivor's death certificate; and~~

~~(b) An affidavit that the applicant is not currently married.~~

~~(3) An applicant must be a registered owner, co-owner or lessee, or co-lessee of the vehicle on which the special license plates will be used.)~~ **(1) Who may receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) What documentation does a Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor license plates? In addition to the Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e), Pearl Harbor survivors applying for these license plates shall submit:

(a) Application for Pearl Harbor survivor license plate; and

(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Force; and

(c) Proof of being a resident of this state.

(3) What documentation does a spouse of a deceased Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor license plates?

(a) If the deceased Pearl Harbor survivor was the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit:

(i) Application for Pearl Harbor survivor license plates;

(ii) A copy of the Pearl Harbor survivor's death certificate; and

(iii) An affidavit that the applicant is not currently married.

(b) If the deceased Pearl Harbor survivor was not the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit, in addition to the Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e):

(i) Application for Pearl Harbor survivor license plates;

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(ii) A copy of the Pearl Harbor survivor's death certificate;

(iii) An affidavit that the applicant is not currently married; and

(iv) A copy of the decedent's armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.

(4) How does the spouse of a deceased Pearl Harbor survivor License plate recipient qualify to retain the Pearl Harbor survivor license plates? To retain the Pearl Harbor survivor license plates issued to the qualifying person, the surviving spouse must:

(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:

(i) A copy of the Pearl Harbor survivor recipient's death certificate; and

(ii) An affidavit that the applicant is not currently married;

(b) Be a resident of the state of Washington;

(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Pearl Harbor survivor special license plate is or will be used; and

(d) Not remarry. If the surviving spouse remarries, the Pearl Harbor survivor special license plate is invalid and must be removed from the vehicle.

AMENDATORY SECTION (Amending WSR 97-07-013, filed 3/11/97, effective 4/11/97)

WAC 308-96A-057 Purple Heart license plates.

~~((Any military person that has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots may be issued a set of special vehicle license plates indicating the recipient was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005(2):~~

~~(1) Applicants for a special Purple Heart vehicle license plate shall satisfy the following conditions:~~

~~(a) Be a resident of the state of Washington;~~

~~(b) Have been wounded in combat;~~

~~(c) Been awarded a Purple Heart medal by any branch of the United States Armed Forces; and~~

~~(d) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate will be used.~~

~~(2) Applications for the special license plates shall include the following supplemental documents:~~

~~(a) A photocopy of the applicant's form DD-214 or similar document issued by a branch of the United States Armed Forces which awarded the Purple Heart medal to the applicant and the date of award; and~~

~~(b) A replacement license plate fee then in effect. Veterans who qualify for free vehicle licensing may be issued the Purple Heart special license plate without paying the replacement plate fee.~~

~~(3) Purple Heart special license plates may be issued for display on any two plated motor vehicle. The plates may not~~

~~be issued for motorcycles or nonmotor vehicles including campers and travel trailers.~~

~~(4) Purple Heart special license plates issued to any qualifying person may be retained by the surviving spouse of the demised qualifying person. The surviving spouse shall be afforded all rights and privileges of the qualified person so long as the surviving spouse:~~

~~(a) Was the legally recognized spouse of the qualifying person at the time of the demise of the qualifying person;~~

~~(b) Is a resident of the state of Washington;~~

~~(c) Is an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and~~

~~(d) Doesn't remarry. If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.))~~ **(1) Under what authority does the department issue Purple Heart license plates?** The department issues a series of special license plates, called Purple Heart license plates, under the authority of RCW 46.16.305. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.

(2) Who may receive Purple Heart license plates? Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used.

(3) What documentation does a Purple Heart recipient need to obtain Purple Heart license plates? Purple Heart recipients applying for these license plates shall submit:

(a) Application for Purple Heart license plates; and

(b) An armed forces document showing the recipient was awarded the Purple Heart medal.

(4) How does the spouse of a deceased Purple Heart recipient qualify to retain the Purple Heart license plates? To retain the Purple Heart license plates issued to the qualifying person, the surviving spouse must:

(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:

(i) A copy of the Purple Heart recipient's death certificate; and

(ii) An affidavit that the applicant is not currently married;

(b) Be a resident of the state of Washington;

(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and

(d) Not remarry. If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

AMENDATORY SECTION (Amending WSR 91-03-091, filed 1/18/91, effective 2/18/91)

WAC 308-96A-530 Veteran remembrance license plate emblems~~((—Traffic violation))~~. ~~((Displaying a license plate emblem on a vehicle license plate in such a manner so as to obscure the license plate identification numbers/letters, the month or year tab, the Washington inscription or in any location in violation of WAC 308-96A-520 or chapter 46.16 RCW shall be issued a notice of traffic infraction under chapter 46.63 RCW.))~~ (1) What veteran remembrance license plate emblems are available? The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) Who may purchase veteran remembrance emblems? Only registered owners authorized in RCW 46.16.319 (2) and (3) may purchase veteran remembrance license plate emblems.

(3) When I purchase veteran remembrance license plate emblems what will I receive? In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag emblem; and

(c) One campaign ribbon emblem; or

(d) Two campaign ribbon emblems; or

(e) Two US flag emblems.

(4) How much will I be charged for the veteran remembrance license plate emblem package? In addition to fees authorized in RCW 46.01.140 (5)(b), a fee of ten dollars is collected for each package.

(5) How shall I affix my veteran remembrance license plate emblems? In addition to the requirements and limitations in RCW 46.16.327:

(a) The VETERAN emblem shall be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem shall be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem shall be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate;

(6) Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate? No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(7) May I transfer my veteran remembrance license plate emblems to different vehicles? Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

(8) May I obtain a replacement veteran remembrance license plate emblem package? You may obtain replacement veteran remembrance emblems:

(a) For the fee in subsection (4) of this section; or

(b) For no fee if the original set of emblems purchased has become faded and nonrecognizable.

(9) How may any vehicle license plate emblem other than veteran remembrance license plate emblems be displayed on a Washington vehicle license plate? Any vehicle license plate emblem other than veteran remembrance license plate emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-505	Veteran license plate emblems—Available.
WAC 308-96A-510	Veteran license plate emblems—Fees.
WAC 308-96A-520	License plate emblems—How affixed.
WAC 308-96A-540	License plate emblems—Follow vehicle on transfer.

WSR 00-01-164

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed December 21, 1999, 3:05 p.m.]

Date of Adoption: November 1, 1999.

Purpose: To repeal WAC 192-12-050 and replace it with WAC 192-310-050 Employer records, in accordance with Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-050.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: Chapter 50.12 RCW.

Adopted under notice filed as WSR 99-17-092 on August 17, 1999.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Carver Gayton
Commissioner

NEW SECTION

WAC 192-310-050 Employer records. The commissioner requires every employer to keep true and accurate business, financial, and employment records which are deemed necessary for the effective administration of Chapter 50.12 RCW.

Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for four calendar years following the calendar year in which employment occurred:

- a. The name of each worker;
- b. The Social Security number of each worker;
- c. The beginning date of employment for each worker and, if applicable, the separation date of employment of each worker;
- d. The basis upon which wages and/or remuneration are paid to each worker;
- e. The location where such services were performed;
- f. A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each day;
- g. The workers' total gross pay period earnings;
- h. The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld to equate to net pay; and
- i. The cause for any discharge where a worker was separated from the job due to discharge; or the cause of any quit where a worker quit the job if the cause for the quit is known.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-050

Employer records.

WSR 00-01-165

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed December 21, 1999, 3:11 p.m.]

Date of Adoption: November 23, 1999.

Purpose: To repeal WAC 192-12-076 and replace it with WAC 192-320-060 Delinquent predecessor taxes.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-076.

Statutory Authority for Adoption: Chapters 34.05 and 50.12 RCW.

Other Authority: Portion of RCW 50.29.062.

Adopted under notice filed as WSR 99-19-013 on September 7, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Carver Gayton
Commissioner

Chapter 192-320-WAC

NEW SECTION

WAC 192-320-060 Delinquent predecessor taxes. RCW 50.29.062 provides that a successor employer, defined in WAC 192-300-050, will be assigned the tax rate of the predecessor employer. If the successor employer has been assigned the maximum tax rate due to late or nonpayment of taxes to the department by the predecessor employer; they may receive a lower rate upon completion of the following:

- a. submit a written request to the department; and
- b. payment of delinquent tax payments by the cut-off date of September 30th; or
- c. if the purchase was finalized after September 30th and all reports and any taxes due are submitted within thirty (30) days of escrow closure, or purchase of the business.

The successor employer will receive the tax rate of the predecessor employer as if the taxes had been paid timely. The successor will keep this rate until eligible under experience rating statutes for a different rate.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

PERMANENT

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-076 Delinquent predecessor taxes.

WSR 00-01-166**PERMANENT RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 21, 1999, 3:17 p.m.]

Date of Adoption: November 1, 1999.

Purpose: To create a new separate rule entitled WAC 192-310-055 Employer records—Farm operator, which has been separated from the original WAC 192-12-050 in accordance with Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: WAC 192-12-050.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: Chapter 50.12 RCW.

Adopted under notice filed as WSR 99-17-091 on August 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Carver Gayton
Commissioner

NEW SECTION

WAC 192-310-055 Employer records - Farm operator or farm labor contractor. The commissioner requires every employer to keep true and accurate employment records under Chapter 50.12 RCW.

(1) Farm operators, or farm labor contractors must comply with the rules set forth in WAC 192-310-050.

(2) Farm operators contracting with a crew leader or a farm labor contractor must make, keep, and preserve, original records containing the following information:

- (a) the inclusive dates of the contract;
- (b) the types of services performed;

- (c) the number of persons performing such services;
- (d) the name of the contractor or crew leader; and
- (e) evidence of the Farm Labor Contractor's License as required under Chapter 19.30 RCW.

WSR 00-01-167**PERMANENT RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 21, 1999, 3:19 p.m.]

Date of Adoption: November 23, 1999.

Purpose: To repeal WAC 192-12-400 and replace it with a revised rule WAC 192-320-065 Relief of benefit charges.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-400.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 50.20.020(2).

Adopted under notice filed as WSR 99-19-070 on September 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1999

Carver Gayton
Commissioner

Chapter 192-320-WAC**Experience Rating and Benefit Charging****NEW SECTION**

WAC 192-320-065 Relief of benefit charges. For purposes of RCW 50.20.020(2) a contribution-paying non-local government base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual.

(1) **Employer added to a monetary determination as the result of a re-determination.** The employer's request for relief of benefit charges must be received or postmarked within thirty (30) days of mailing the notification of re-determination (Notice to Base Year Employer - EMS 166).

(2) **Timely Response.** The commissioner may consider a request for relief of benefit charges that has not been

received or postmarked within thirty (30) days as timely if the employer establishes good cause for the untimely response.

(3) Additional Information.

(a) The employer shall provide the information requested by the department within thirty (30) days of the mailing date of the department's request.

(b) It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to make a determination of relief of benefit charges, or good cause for failure to respond in a timely manner.

(c) Failure to respond within thirty (30) days will result in a denial of the employer's request for relief of benefit charges unless the employer establishes good cause for the untimely response.

(4) Denial and Appeal of Request. Any denial of a request for relief of benefit charges shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-400 Employer request for benefit charge relief.

**WSR 00-01-176
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 21, 1999, 4:41 p.m., effective March 1, 2000]

Date of Adoption: December 21, 1999.

Purpose: Topic: Powered industrial truck (forklift).

Chapter 296-24 WAC, General safety and health standards; chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-307 WAC, Safety standards for agriculture.

The Federal Register, Volume 63, No. 230, December 1, 1998, adopted an OSHA final rule to amend 29 C.F.R. 1910, 1915, 1917, 1918, and 1926. The Federal Register, Volume 64, No. 166, August 27, 1999, stayed compliance for the marine terminal and longshoring industries from December 1, 1999, to March 1, 2000.

The rule:

- Revised operator training requirements to base the type of training required on the operators:
 - Knowledge and skills,
 - Types of powered industrial trucks the operator will operate in the workplace,
 - Hazards present in the workplace, and
 - Demonstrated ability to operate the powered industrial truck.
- Requires refresher training if the operator has been:
 - Involved in an accident or near-miss incident,
 - Observed operating the vehicle in an unsafe manner,

- Determined during an evaluation to need additional training,
- Affected by workplace changes that have occurred that affect safe operation of the truck, or
- Assigned to operate a different kind of truck.
- Requires each operator's performance to be evaluated as part of the initial and refresher training, at least once every three years.

The Department of Labor and Industries published the rule review plan, in August 1997, to guide efforts for regulatory improvement through the year 2001 and beyond. This effort was in response to Governor Gary Locke's Executive Order 97-02 which mandated state agencies to review regulations to ensure they meet standards of need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost and fairness.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-23001 Definitions, 296-24-23003 General requirements, 296-24-23005 Designations, 296-24-23007 Designated locations, 296-24-23009 Converted industrial trucks, 296-24-23011 Safety guards, 296-24-23013 Fuel handling and storage, 296-24-23015 Changing and charging storage batteries, 296-24-23017 Lighting for operating areas, 296-24-23019 Control of noxious gases and fumes, 296-24-23021 Dockboards (bridge plates), 296-24-23023 Truck and railroad cars, 296-24-23025 Operator training, 296-24-23027 Powered industrial truck operations, 296-24-23029 Traveling, 296-24-23031 Loading, 296-24-23033 Operation of the truck, 296-24-23035 Maintenance of industrial trucks, 296-56-60077 Powered industrial trucks, 296-155-615 Material handling equipment, 296-307-52005 What manufacturer's requirements apply to powered industrial trucks? 296-307-52007 What are the classifications of powered industrial trucks? 296-307-52011 What requirements determine which trucks to use in specific hazardous environments? 296-307-52019 What requirements apply to fuel handling and storage? 296-307-52021 What requirements apply to lighting for operating areas? 296-307-52023 What level of carbon monoxide gas is allowed? 296-307-52029 What are the operator training requirements for powered industrial trucks? 296-307-52031 What requirements apply to operating powered industrial trucks? 296-307-52039 What requirements apply to traveling in a powered industrial truck? and 296-307-52047 What requirements apply to maintaining powered industrial trucks? Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 99-16-084 on August 3, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-24-23003 General requirements.

- Subsection (1) was revised to better convey to whom the section does not apply.
- Subsection (3) was revised to remove reference to the 1993 ASME reference. Reverted to the 1969 ANSI standard.

WAC 296-24-23007 Designated locations.

- Added clarifying language to ensure that trucks having equal or greater safeguards could be used in specific environments, if approved by the manufacturer.

WAC 296-24-23015 Changing and charging storage batteries.

- Reinserted clarifying comments regarding placement of vent caps when charging batteries.

WAC 296-307-52005 What manufacturer's requirements apply to powered industrial trucks?

- Subsection (2) was revised to remove reference to the 1993 ASME reference. Reverted to the 1969 ANSI standard.

WAC 296-307-52007 What are the classifications of powered industrial trucks?

- Revised language to clarify the requirements for the type of trucks listed.
- Revised subsection (6) to clarify the truck requirements.

WAC 296-307-52011 What requirements determine which trucks to use in specific hazardous environments?

- Revisions were made throughout this subsection to clarify what powered industrial trucks could be used in hazardous environments.
- Changed reference in subsection (1)(a) from metals to dusts.

WAC 296-307-52029 What are the operator training requirements for powered industrial trucks?

- Revised language to incorporate recommended changes relating to truck or operator safe operation, training program implementation, avoidance of duplicative retraining, record keeping and implementation of the new rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 20, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 30, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 30, Repealed 0.

Effective Date of Rule: March 1, 2000.

December 21, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-23001 Definition. These definitions are applicable to all sections of this chapter containing WAC 296-24-230 in the section number. ~~((As used in those sections;))~~ The terms, "approved truck" or "approved industrial truck" as used in this section, mean((s)) a truck that is listed or approved for fire safety purposes for the intended use by a

nationally recognized testing laboratory, using nationally recognized testing standards. Refer to WAC 296-24-58501(19) for definition of listed, and to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-23003 General requirements. These requirements are applicable to all sections of this chapter containing the WAC 296-24-230 in the section number.

(1) This section contains safety requirements relating to fire protection design, maintenance, and use of:

• Fork trucks,

• Forklifts,

• Tractors,

• Platform lift trucks,

• Motorized hand trucks, and

• Other specialized industrial trucks, powered by electric motors or internal combustion engines. This section does not apply to:

• Compressed air or nonflammable compressed gas-operated industrial trucks, ~~((not to))~~

• Farm vehicles, ~~((to))~~

• Vehicles intended primarily for earth moving or over-the-road hauling.

(2) All ~~((new))~~ powered industrial trucks ~~((acquired and used))~~ in use by an employer ~~((after the effective date of these standards shall))~~ must meet the applicable requirements of design ~~((and))~~, construction ~~((requirements for powered industrial trucks established in))~~ and stability as defined by the "American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks, ~~((Part II, ANSI B56.1-1969;))~~" except for vehicles intended primarily for earth moving or over-the-road hauling. All new powered industrial trucks acquired and used by an employer on or after March 1, 2000, must meet the applicable requirements of design, construction and stability as defined in ASME B56.1-1993. The employer must ensure that all powered industrial trucks are inspected, maintained and operated in accordance with this section and the manufacturer's recommendations and specifics.

(3) Approved trucks ~~((shall))~~ must bear a label or some other identifying mark indicating approval by the testing laboratory as meeting the specifications and requirements of ANSI B56.1-1969.

(4) Modifications and additions which affect capacity and safe operation ~~((shall))~~ must not be performed ~~((by the customer or user))~~ without manufacturer's prior written approval. ~~((Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.))~~ When the manufacturer has granted modification, the capacity, operation and maintenance instruction plates, tags or decals must be changed accordingly.

(5) If the truck is equipped with front-end attachment(s) ~~((other than factory installed attachments, it shall be)),~~ including fork extensions, the employer must ensure the truck is marked to identify the attachment(s) ~~((and)),~~ show the approximate weight of the truck and attachment combination

~~((at)), and show the maximum capacity of the truck with attachment(s) at the maximum elevation with load laterally centered.~~

(6) The ~~((user shall))~~ employer must see that all nameplates and markings are in place and are maintained in a legible condition.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23005 Designations. ~~((For the purpose of this standard there are))~~ The atmosphere or location must have been classified, as to whether it is hazardous or nonhazardous, prior to determining which industrial truck is appropriate for use. Eleven ((different)) designations of powered industrial trucks (forklifts) or tractors ((as follows: D, DS, DY, E, ES, EE, EX, G, GS, LP, and LPS.)) are included in this standard. Definitions of the eleven separate designations are:

~~((1) The))~~ • D ~~((designated units are units similar to the G units except))~~ refers to trucks that ((they)) are diesel engine powered ((instead of gasoline engine powered)) that have minimum safeguards against inherent fire hazards.

~~((2) The))~~ • DS ~~((designated units are))~~ refers to diesel powered ((units)) trucks that, in addition to meeting all the requirements for type D trucks, are provided with additional safeguards to the exhaust, fuel and electrical systems. ((They may be used in some locations where a D unit may not be considered suitable.

~~((3) The))~~ • DY ~~((designated units are))~~ refers to diesel powered ((units)) trucks that have all the safeguards of the DS ((units)) trucks and, in addition ((do not have)), any electrical equipment((-, including the ignition, and are)) is completely enclosed. They are equipped with temperature limitation features.

~~((4) The))~~ • E ~~((designated units are))~~ refers to electrically powered ((units)) trucks that have minimum acceptable safeguards against inherent fire hazards.

~~((5) The))~~ • ES ~~((designated units are))~~ refers to electrically powered ((units)) trucks that, in addition to all of the requirements for the E ((units)) trucks, ((are provided with)) have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. ((They may be used in some locations where the use of an E unit may not be considered suitable.

~~((6) The))~~ • EE ~~((designated units are))~~ refers to electrically powered ((units)) trucks that have, in addition to all of the requirements for the E and ES ((units, the)) type trucks, have their electric motors and all other electrical equipment completely enclosed. ((In certain locations the EE unit may be used where the use of an E and ES unit may not be considered suitable.

~~((7) The))~~ • EX ~~((designated units are))~~ refers to electrically powered ((units)) trucks that differ from E, ES, or EE ((units)) type trucks in that the electrical fittings and equipment are ((so)) designed, constructed and assembled ((that the units may)) to be used in ((certain)) atmospheres containing flammable vapors or dusts.

~~((8) The))~~ • G ~~((designated units are))~~ refers to gasoline powered ((units having)) trucks that have minimum acceptable safeguards against inherent fire hazards.

~~((9) The))~~ • GS ~~((designated units are))~~ refers to gasoline powered ((units)) trucks that are provided with additional ((safeguards to the)) exhaust, fuel, and electrical systems safeguards. ((They may be used in some locations where the use of a G unit may not be considered suitable.

~~((10) The))~~ • LP ~~((designated unit is similar to the G unit except that liquefied petroleum gas is used for fuel instead of gasoline))~~ refers to liquefied petroleum gas-powered trucks that, in addition to meeting all the requirements for type G trucks, have minimum acceptable safeguards against inherent fire hazards.

~~((11) The))~~ • LPS ~~((designated units are))~~ refers to liquefied petroleum gas powered ((units)) trucks that ((are provided with)) in addition to meeting the requirements for LP type trucks, have additional ((safeguards to the)) exhaust, fuel, and electrical systems safeguards. ((They may be used in some locations where the use of an LP unit may not be considered suitable.

~~((12) The atmosphere or location shall have been classified as to whether it is hazardous or nonhazardous prior to the consideration of industrial trucks being used therein and the type of industrial truck required shall be as provided in WAC 296-24-23009 for such location.))~~

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-23007 Designated locations. (1) The powered industrial trucks specified under (2) of this section are the minimum types required ((but)). Powered industrial trucks having greater safeguards may be used if desired.

(2) ~~((For specific areas of use see))~~ Tables N-1.1 and N-1.2, following this section ((which tabulates the)), give specific vehicle usage information ((contained in this section)) by group and class. References are to the corresponding classification as used in chapter 296-24 WAC, Part L.

(a) ~~((Power operated))~~ Powered industrial trucks ((shall)) must not be used in the following atmospheres containing hazardous concentration of:

- Acetylene,
- Butadiene,
- Ethylene oxide,
- Hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas),

- Propylene oxide,
- Acetaldehyde,
- Cyclopropane,
- Diethyl ether,
- Ethylene,
- Isoprene, or
- Unsymmetrical dimethyl hydrazine (UDMH).

(i) ~~((Power operated))~~ Powered industrial trucks ((shall)) must not be used in atmospheres containing hazardous concentrations of metal dust, including:

- Aluminum, magnesium, and their commercial alloys,
- Other metals of similarly hazardous characteristics, or
- In atmospheres containing:

• Carbon black,
 • Coal or coke dust except approved (~~(power-operated)~~) powered industrial trucks designated as EX, or other trucks approved by the manufacturer, may be used in such atmospheres.

(ii) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks (~~(shall)~~) must have enclosures specifically approved for such locations.

(b) Only approved (~~(power-operated)~~) powered industrial trucks designated as EX, or other trucks approved by the manufacturer, may be used in atmospheres containing:

- Acetone,
- Acrylonitrile,
- Alcohol,
- Ammonia,
- Benzine,
- Bensol,
- Butane,
- Ethylene dichloride,
- Gasoline,
- Hexane,
- Lacquer solvent vapors,
- Naphtha,
- Natural gas,
- Propane,
- Propylene,
- Styrene,
- Vinyl acetate,
- Vinyl chloride, or

• Xylenes in quantities sufficient to produce explosive or ignitable mixtures and where such concentrations of these gases or vapors exist continuously, intermittently or periodically under normal operating conditions or may exist frequently because of repair, maintenance operations, leakage, breakdown or faulty operation of equipment.

(c) (~~(Power-operated)~~) Powered industrial trucks designated as DY, EE, or EX, or other trucks approved by the manufacturer, may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, but in which the hazardous liquids, vapors or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in the case of abnormal operation of equipment; also in locations in which (~~(hazardous)~~) ignitable concentrations of gases or vapors are normally prevented by positive mechanical ventilation but which might become hazardous through failure or abnormal operation of the ventilating equipment; or in locations which are adjacent to Class I, Division 1 locations, and to which (~~(hazardous)~~) ignitable concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clear air, and effective safeguards against ventilation failure are provided.

(d) In locations used for the storage of hazardous liquids in sealed containers or liquefied or compressed gases in containers, only approved (~~(power-operated)~~) powered industrial trucks (~~(designated as)~~) with the following designations, or other trucks approved by the manufacturer, can be used:

- DS,
- ES,
- GS, or
- LPS (~~(may be used)~~). This classification includes locations

where volatile flammable liquids or flammable gases or vapors are used, but which, would become hazardous only in case of an accident or of some unusual operation condition. The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that should receive consideration in determining whether or not the DS (~~(or)~~), DY, ES, EE, GS, or LPS designated truck, or other trucks approved by the manufacturer, possesses sufficient safeguards for the location. Piping without valves, checks, meters and similar devices would not ordinarily be deemed to introduce a hazardous condition even though used for hazardous liquids or gases. Locations used for the storage of hazardous liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless subject to other hazardous conditions also.

(i) Employers must use only approved (~~(power-operated)~~) powered industrial trucks, or other trucks approved by the manufacturer, designated as EX (~~(shall be used)~~) in atmospheres in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(ii) The following areas are usually included in the EX, or other trucks approved by the manufacturer, classification (~~(usually includes the working areas of)~~):

• In working areas of grain handling and storage plants(;)):

• Room containing the following:

- Grinders or pulverizers,
- Cleaners,
- Graders,
- Scalpers,
- Open conveyors or spouts,
- Open bins or hoppers,
- Mixers, or blenders,
- Automatic or hopper scales,
- Packing machinery,
- Elevator heads and boots,
- Stock distributors,
- Dust and stock collectors (except all-metal collectors vented to the outside), and

• All similar dust producing machinery and equipment

- in:
- Grain processing plants,
 - Starch plants,
 - Sugar pulverizing plants,
 - Malting plants,
 - Hay grinding plants, and
 - Other occupancies of similar nature;

• Coal pulverizing plants (except where the pulverizing equipment is essentially dust tight);

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• All working areas where metal dusts and powders are produced, processed, handled, packed, or stored (except in tight containers); and

• Other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(e) Employers must use only approved ((power-operated)) powered industrial trucks designated as DY, EE, or EX ((shall be used)), or other trucks approved by the manufacturer, in atmospheres in which combustible dust will not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures but where deposits or accumulations of such dust may be ignited by arcs or sparks originating in the truck.

(f) Employers must use only approved ((power-operated)) powered industrial trucks designated as DY, EE, or EX ((shall be used)), or other trucks approved by the manufacturer, in locations which are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings that are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures.

(g) Employers must use only approved ((power-operated)) powered industrial trucks designated as DS, DY, ES, EE, EX, GS, or LPS ((shall be used)), or other trucks approved by the manufacturer, in locations where easily ignitable fibers are stored or handled including outside storage, but are not being processed or manufactured. Industrial trucks designated as E, which have been previously used in these locations may ((be continued in use)) continue to be used.

(h) On piers and wharves handling general cargo, ((any)) only approved ((power-operated)) powered industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types, and are approved by the manufacturer, may be used.

(i) If storage warehouses and outside storage locations are hazardous, employers must use only the approved ((power-operated)) powered industrial truck specified for such locations in WAC 296-24-23007(((2)) shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used)). Powered industrial trucks designated D, E, G or LP, or trucks that conform to the requirements of these types, and are approved by the manufacturer, may be used if not classified as hazardous.

(j) If general industrial or commercial properties are hazardous, only approved power-operated industrial trucks specified for such locations in this WAC 296-24-23007 shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements of these types, and are approved by the manufacturer, may be used.

(TABLE 1)

SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS

(TABLE 1: Part 1 - Unclassified & Class I)

Classes	Unclassified	Class I locations			
Description of classes	Locations not possessing atmospheres as described in other columns.	Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.			
Groups in classes	None	A	B	C	D
Examples of locations or atmospheres in classes and groups	Piers and wharves inside and outside general storage general industrial or commercial properties	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene
			1	2	
Divisions (nature of hazardous conditions)	None	Above condition exists continuously, intermittently, or periodically under normal operating conditions.		Above condition may occur accidentally as due to a puncture of a storage drum.	

(TABLE 1: Part 2 - Class II & III)

Classes	Class II locations		Class III locations	
Description of classes	Locations which are hazardous because of the presence of combustible dust.		Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	
Groups in classes	E	F	G	None
Examples of locations or atmospheres in classes and groups	Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust	Baled waste, cocoa fiber, cotton, excelsior, hemp, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.
	1	2	1	2

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<p>Divisions- (nature of haz- ardous condi- tions)</p>	<p>Explosive mixture may be present under normal oper- ating condi- tions, or where fail- ure of equip- ment may cause the condition to exist simultane- ously with arcing or sparking of electrical equipment, or where dusts of an electrically- conducting nature may be present.</p>	<p>Explosive mixture not normally present, but where depos- its of dust may cause electrical equipment, or where such deposits may be ignited by ares or sparks from electri- cal equip- ment.</p>	<p>Locations in which easily- ignitable fibers or mate- rials producing combustible flyings are handled, manufactured, or used.</p>	<p>Locations in which easily- ignitable fibers are stored or handled (except in the process- ing of manufacture).</p>
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Authorized uses of trucks by types in groups of classes and divisions

(TABLE N-1: Part 3—Groups in classes, None—A, B, C, and D)

Groups in classes	None	A	B	C	D	A	B	C	D
Types of trucks authorized:									
Diesel:									
Type D	D**								
Type DS								DS	
Type DY								DY	
Electric:									
Type E	E**								
Type ES								ES	
Type EE								EE	
Type EX					EX			EX	
Gasoline:									
Type G	G**								
Type GS								GS	
LP-Gas:									
Type LP	LP**								
Type LPS								LPS	
Paragraph Ref. in									
No. 505	210.211	201(a)	203		209(a)	204			
			(a)			(a), (b)			

** Trucks conforming to these types may also be used—see WAC 296-24-23007 (2)(h) and (j).
References in parentheses are to the corresponding classification as used in the National Electrical Code (NFPA No. 70, ANSI Standard CI-1968) for the convenience of persons familiar with those classifications.

(TABLE N-1: Part 4—Groups in class—E, F, G, and None)

Groups in classes	E	F	G	E	F	G	None	None
Types of trucks authorized:								
Diesel:								
Type D								
Type DS						DS		DS
Type DY						DY		DY
Electric:								
Type E								E
Type ES						ES		ES
Type EE						EE		EE
Type EX	EX	EX				EX	EX	EX
Gasoline:								
Type G								
Type GS						GS		GS
LP-Gas:								
Type LP								
Type LPS						LPS		LPS
Paragraph Ref.								
in No. 505	202(a)	205(a)	209(a)	206		207(a)	208(a)	
				(a), (b)				

** Trucks conforming to these types may also be used—see WAC 296-24-23007 (2)(h) and (j).
References in parentheses are to the corresponding classification as used in the National Electrical Code (NFPA No. 70, ANSI Standard CI-1968) for the convenience of persons familiar with those classifications.))

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TABLE N-1.1
SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS

CLASSES (Descriptions of classes)	GROUPS (Examples of locations or atmosphere in classes and groups)				DIVISIONS (Nature of hazardous conditions)		
UNCLASSIFIED	No group designations in Unclassified Piers and wharves inside and outside general storage, general industrial or commercial properties				No divisions in Unclassified		
Locations not possessing atmospheres as described in other columns.							
CLASS I LOCATIONS Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.	A	B	C	D	1	2	
	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acelone Lacquer solvent Benzene	Conditions exists continuously, intermittently, or periodically under normal operating conditions.	Condition may occur due to accidentally, for example, due to a puncture of a storage drum.	
CLASS II LOCATIONS Locations which are hazardous because of the presence of combustible dust.	E		F		G	1	2
	Metal dust		Carbon black Coal dust Coke dust		Grain dust Flour dust Starch dust Organic dust	Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.	Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.
CLASS III LOCATIONS Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	Class III has no groups				1	2	
	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.				Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).	

TABLE N-1.2
AUTHORIZED USES OF TRUCKS BY TYPES IN GROUPS OF CLASSES AND DIVISIONS

Groups in classes	UN CLASSIFIED	CLASS I								CLASS II						CLASS III	
		DIV I				DIV II				DIV I			DIV II			DIV I	DIV II
		A	B	C	D	A	B	C	D	E	F	G	E	F	G		
Type of truck authorized:	None																
Diesel:																	
Type D	D** ...																
Type DS																DS....	DS
Type DY																DY....	DY
Electric:																	
Type E	E** ...																E
Type ES																ES....	ES
Type EE																EE....	EE
Type EX					EX...						EX...	EX...				EX....	EX
Gasoline:																	
Type G	G**																
Type GS																GS	GS
LP-Gas:																	
Type LP	LP**																
Type LPS									LPS ..							LPS ...	LPS

**Trucks conforming to these types may also be used - see subdivision 23007(2)(h) and (j) of this section.

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AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23009 Converted industrial trucks. (~~Power-operated~~) Powered industrial trucks that (~~have been~~) were originally approved for the use of gasoline for fuel, when converted to the use of liquefied petroleum gas fuel in accordance with WAC 296-24-23035, may be used (~~those~~) locations where G, GS (~~or~~), LP, (~~and~~) or LPS designated trucks have been specified (~~in the preceding sections~~).

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23011 Safety guards. (1) High lift rider trucks (~~shall~~) must be fitted with an overhead guard manufactured in accordance with WAC 296-24-23003(2), unless operating conditions do not permit.

(2) If the type of load presents a hazard, the user (~~shall~~) must equip (~~fork~~) powered industrial trucks (forklifts) with a vertical load backrest extension manufactured in accordance with WAC 296-24-23003(2).

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23013 Fuel handling and storage. (1) (~~The storage and handling of~~) Liquid fuels, such as gasoline and diesel fuel (~~shall~~) must be handled and stored in accordance with NFPA Flammable and Combustible Liquids Code (NFPA No. 30-~~(1969)~~ 1996).

(2) (~~The storage and handling of~~) Liquefied petroleum gas fuel (~~shall~~) must be handled and stored in accordance with NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-~~(1969)~~ 1998).

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23015 Changing and charging storage batteries. (1) Battery charging installations (~~shall~~) must be located in areas designated for that purpose.

(2) Battery charging activities (~~shall~~) must be provided (~~for~~) with a means for each of the following:

- Flushing and neutralizing spilled electrolyte, (~~for~~)
- Fire protection, (~~for protecting~~) protection of charging apparatus from damage by trucks, and (~~for~~)
- Adequate ventilation for dispersal of fumes from gassing batteries.

(3) When racks are used for support of batteries, they should be made of materials nonconductive to spark generation or be coated or covered to achieve this objective.

(4) A conveyor, overhead hoist, or equivalent material handling equipment (~~shall~~) must be provided for handling batteries.

(5) Reinstalled batteries (~~shall~~) must be properly positioned and secured in the truck.

(6) A carboy tiler or siphon (~~shall~~) must be provided for handling electrolyte to minimize potential for spillage.

(7) When charging batteries, acid (~~shall~~) must be poured into water; water (~~shall~~) must not be poured into acid.

(8) Trucks (~~shall~~) must be properly positioned and brake applied before attempting to change or charge batteries.

(9) When charging batteries, the vent caps should be kept in place to avoid electrolyte spray(~~-~~) and care (~~shall~~) must be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) (~~shall~~) must be open to dissipate heat.

(10) Smoking (~~shall~~) must be prohibited in the charging area.

(11) Precautions (~~shall~~) must be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(12) Tools and other metallic objects (~~shall~~) must be kept away from the top of uncovered batteries.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23017 Lighting for operating areas. (1) Controlled lighting of adequate intensity should be provided in operating areas. (See American National Standard Practice for Industrial Lighting, (~~A11-1-1965 (R1970)~~) ANSI/IS UP-7-1990.)

(2) Where general lighting is less than 2 lumen per square foot, auxiliary directional lighting (~~shall~~) must be provided on the truck.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23019 Control of noxious gases and fumes. (~~(1) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-62-075 (general occupational health standards).~~)

(2) Questions concerning degree of concentration and methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.) Concentration levels of carbon monoxide gas created by powered industrial truck operations must not exceed the levels specified in WAC 296-62-075, Part L (general operational health standards). Questions concerning degree of concentration and methods of sampling to ascertain the conditions should be referred to a competent industrial hygienist or other technically qualified person.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23021 Dockboards (bridge plates). (1) Portable and powered dockboards (~~shall~~) must be strong enough to carry the load imposed on them.

(2) Portable dockboards (~~shall~~) must be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

(3) Powered dockboards (~~shall~~) must be designed and constructed in accordance with Commercial Standard

CS202-56 (1956) "Industrial Lifts and Hinged Loading Ramps" published by the U.S. Department of Commerce.

(4) Handholds, or other effective means, ~~((shall))~~ must be provided on portable dockboards to permit safe handling.

(5) Positive protection ~~((shall))~~ must be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-23023 Trucks and railroad cars. (1) The brakes of highway trucks ~~((shall))~~ must be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.

(2) Wheel stops or other recognized positive protection ~~((shall))~~ must be provided to prevent railroad cars from moving during loading or unloading operations.

(3) Fixed jacks may be necessary to support a semitrailer and prevent up-ending during the loading or unloading when the trailer is not coupled to a tractor.

(4) Positive protection ~~((shall))~~ must be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(5) Trucks/trailers equipped with a rear-end protection device (to prevent cars from being wedged underneath the rear end during a collision~~((;))~~) may ~~((facilitate the))~~ use ~~((of))~~ a mechanical means to secure ~~((the truck/trailer))~~ it to the loading dock ~~((attaching to the device))~~. Wheel chocks ~~((will))~~ are not ~~((be))~~ required when ~~((the following provisions are utilized))~~:

(a) A positive mechanical means to secure trucks or trailers is permitted~~((, provided that the system is installed and used in a manner that effectively))~~ if it prevents movement away from the dock during loading, unloading, and boarding by hand trucks or powered industrial trucks.

(b) All ~~((of the))~~ installed mechanical equipment ~~((shall))~~ must be ~~((installed;))~~ maintained~~((;))~~ and used as recommended by the manufacturer.

(c) ~~((Any))~~ Damaged mechanical equipment ~~((shall))~~ must be removed from service immediately ~~((and shall not be used as a means of complying with the requirements to secure trucks and trailers))~~.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23025 Operator training. ~~((Only trained and authorized operators shall be permitted to operate a powered industrial truck. Methods shall be devised to train operators in the safe operation of powered industrial trucks.))~~ (1) **Safe operation.**

(a) The employer must ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section.

(b) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer

must ensure that each operator has successfully completed the training required by this section.

(2) Training program implementation.

(a) Trainees may operate a powered industrial truck only:

(i) Under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence; and

(ii) Where such operation does not endanger the trainee or other employees.

Note: The employer, or any other qualified person of the employer's choosing, may give required training and evaluation.

(b) Training must consist of a combination of:

• Formalized instruction (which may include lecture, discussion, interactive computer learning, video tape and/or written material);

• Practical training (demonstrations performed by the trainer and practical exercises performed by the trainee); and
• Evaluation of the operator's performance in the workplace.

(c) All operator training and evaluation must be conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.

(3) Training program content. Powered industrial truck operators must receive initial training in the topics that follow, except in topics that the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.

(a) Truck-related topics:

• Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate;
• Differences between the truck and the automobile;
• Truck controls and instrumentation: Where they are located, what they do, and how they work;

• Engine or motor operation;

• Steering and maneuvering;

• Visibility (including restrictions due to loading);

• Fork and attachment adaptation, operation, and use limitations;

• Vehicle capacity;

• Vehicle stability;

• Any vehicle inspection and maintenance that the operator will be required to perform;

• Refueling and/or charging and recharging of batteries;

• Operating limitations;

• Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

(b) Workplace-related topics:

• Surface conditions where the vehicle will be operated;

• Composition of loads to be carried and load stability;

• Load manipulation, stacking, and unshackling;

• Pedestrian traffic in areas where the vehicle will be operated;

• Narrow aisles and other restricted places where the vehicle will be operated;

• Hazardous (classified) locations where the vehicle will be operated;

• Ramps and other sloped surfaces that could affect the vehicle's stability;

• Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;

• Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

(4) Refresher training and evaluation.

(a) Refresher training, including an evaluation of the effectiveness of that training, must be conducted as required by subsection (2)(b) of this section, to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.

(b) Refresher training in relevant topics must be provided to the operator when:

• The operator has been observed to operate the vehicle in an unsafe manner;

• The operator has been involved in an accident or near-miss incident;

• The operator has received an evaluation that reveals that the operator is not operating the truck safely;

• The operator is assigned to drive a different type of truck; or

• A condition in the workplace changes in a manner that could affect safe operation of the truck.

(c) An evaluation of each powered industrial truck operator's performance must be conducted at least once every three years.

(5) Avoidance of duplicative training. If an operator has previously received training in a topic specified in subsection (3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely, within three years.

(6) Record keeping. Employers must keep records showing that each operator has been trained and evaluated as required by this section. These records must include the name of the operator, the date of the training, the date(s) of the evaluation, and the name of the person(s) giving the training or evaluation.

(7) Implementation dates. The employer must ensure that operators of powered industrial trucks are trained, as appropriate, by the effective date of this section. Employees hired on or after the effective date of this section must be trained and evaluated prior to being assigned to operate a powered industrial truck.

(8) Nonmandatory guidance. To assist employers in implementing operator training requirements, a nonmandatory appendix has been added as WAC 296-24-23037. This appendix does not add to, alter, or reduce the requirements of this section.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-23027 Powered industrial truck operations. (1) Powered industrial trucks ~~((shall))~~ must not be driven up to anyone ~~((standing))~~ in front of a bench or other fixed object.

(2) ~~((No person shall be allowed to stand or pass))~~ Employers must not allow people under the elevated portion of any powered industrial truck, whether loaded or empty.

(3) ~~((Unauthorized personnel shall not be permitted))~~ Employers must not allow people to ride on powered industrial trucks ~~((:))~~ unless a safe place to ride ~~((shall be))~~ is provided ~~((where riding of trucks is authorized))~~.

(4) The employer ~~((shall))~~ must prohibit ~~((arms or legs))~~ any body part from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means ~~((shall))~~ must be fully lowered, controls ~~((shall))~~ must be neutralized, power ~~((shall))~~ must be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(b) When the operator of ~~((an))~~ a powered industrial truck is dismounted and within 25 feet of the truck, still in view, the load engaging means ~~((shall))~~ must be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance ~~((shall))~~ must be maintained from the edge of ramps ~~((or))~~, platforms while on any elevated dock, or platform or freight car. Powered industrial trucks ~~((shall))~~ must not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device ~~((shall))~~ must require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The powered industrial truck operator ~~((shall))~~ must be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) ~~((Employees or other persons will))~~ People must stand clear while the door is being moved with a device.

(7) Brakes ~~((shall))~~ must be set and wheel blocks ~~((shall))~~ must be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars ~~((shall))~~ must be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There ~~((shall))~~ must be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard ~~((shall))~~ must be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of

small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension ~~((shall))~~ must be used ~~((whenever necessary))~~ to ~~((minimize the possibility of the load or))~~ prevent any part of ((it)) the load from falling rearward.

(11) Employers must use only approved powered industrial trucks ~~((shall be used))~~ in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls ~~((elevatable))~~ that can be elevated with the lifting carriage or forks for lifting personnel, the following additional precautions ~~((shall))~~ must be taken ~~((for the protection of personnel being elevated.))~~:

(a) ~~((Use of))~~ A safety platform ~~((firmly))~~ secured to the lifting carriage and/or forks must be used.

(b) A means ~~((shall))~~ must be provided ~~((whereby personnel))~~ for people on the platform ~~((can))~~ to shut ~~((off))~~ the power off to the truck.

(c) ~~((Such))~~ Protection from falling objects as ~~((indicated))~~ necessary by the operating conditions ~~((shall))~~ must be provided.

(13) When using powered industrial trucks (forklifts) as elevated work platforms ~~((:))~~ a platform or structure built specifically for hoisting persons may be used ~~((providing))~~ if the following requirements are complied with:

(a) The structure must be securely attached to the forks and ~~((shall))~~ must have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system ~~((shall))~~ must be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms ~~((shall))~~ must be identified ~~((that they are so))~~ as being designed for that purpose.

(c) A safety strap ~~((shall))~~ must be installed or the control lever ~~((shall))~~ must be locked to prevent the boom from tilting.

(d) An operator ~~((shall))~~ must attend the lift equipment while workers are on the platform.

(e) The operator ~~((shall))~~ must be in the normal operating position while raising or lowering the platform.

(f) Except when inching or maneuvering the powered industrial truck at a very slow speed, the vehicle ~~((shall))~~ must not ~~((travel))~~ be moved from point to point while workers are on the platform ~~((except that inching or maneuvering at very slow speed is permissible)).~~

(g) The area between workers on the platform and the mast ~~((shall))~~ must be ~~((adequately))~~ guarded to prevent contact with chains or other shear points.

(14) Access to fire aisles, ~~((access to))~~ stairways, and fire equipment ~~((shall))~~ must be kept clear.

(15) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

(16) Powered industrial trucks used as order pickers (see Figure 1), that do not have standard guardrails on all open sides, must be equipped with a safety harness, lanyard, and a tie-off point approved by the manufacturer. Fall protection

equipment must meet the criteria outlined in WAC 296-24-87035, Appendix C - personal fall arrest systems.

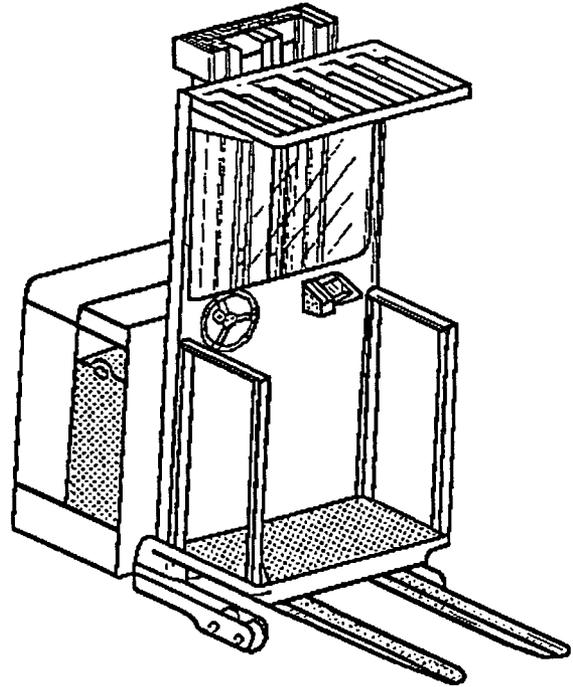


Figure - 1

High Lift Order Picker Rider Truck

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23029 Traveling. (1) All traffic regulations ~~((shall))~~ must be observed, including authorized plant speed limits. A ~~((safe))~~ distance ~~((shall be maintained))~~ of approximately three truck lengths from the truck ahead ~~((and))~~ must be maintained. The powered industrial truck ~~((shall))~~ must be kept under control at all times.

(2) The right of way ~~((shall))~~ must be yielded to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Employers must not allow other powered industrial trucks traveling in the same direction to be passed at intersections, blind spots, or other dangerous locations ~~((shall not be passed)).~~

(4) The driver ~~((shall be required to))~~ must slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver ~~((shall be required to))~~ must travel with the load trailing.

(5) Railroad tracks ~~((shall))~~ must be crossed diagonally wherever possible. Parking closer than 8 feet from the center of railroad tracks is prohibited.

(6) The driver ~~((shall be required to))~~ must look in the direction of, and keep a clear view of the path of travel.

(7) Grades ~~((shall))~~ must be ascended or descended slowly.

(a) When ascending or descending grades in excess of 10 percent, loaded powered industrial trucks ~~((shall))~~ must be driven with the load upgrade.

(b) Unloaded powered industrial trucks should be operated on all grades with the load engaging means downgrade.

(c) On all grades the load and load engaging means ~~((shall))~~ must be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(8) ~~((Under all travel conditions the))~~ Powered industrial trucks ~~((shall))~~ must be operated at a speed that will permit it to be brought to a stop in a safe manner.

(9) Employers must not permit stunt driving and horseplay ~~((shall not be permitted))~~.

(10) The driver ~~((shall be required to))~~ must slow down ~~((for))~~ on wet and/or slippery floors.

(11) Dockboard or bridge plates, ~~((shall))~~ must be properly secured before they are driven over. Dockboard or bridge plates ~~((shall))~~ must be driven over carefully and slowly and their rated capacity never exceeded.

(12) Elevators ~~((shall))~~ must be approached slowly, and then entered squarely after the elevator car is properly leveled. Once on the elevator, the controls shall be neutralized, power shut off, and the brakes set.

(13) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(14) ~~((Running))~~ Powered industrial truck operators must avoid driving over loose objects on the roadway surface ~~((shall be avoided))~~.

(15) While negotiating turns, speed ~~((shall))~~ must be reduced to a safe level ~~((, by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very low speed, the hand steering wheel shall be turned at a moderate, even rate))~~.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23031 Loading. (1) Only stable or safely arranged loads ~~((shall))~~ must be handled. ~~((Caution shall be exercised when handling off-center loads which cannot be centered.))~~

(2) Powered industrial trucks must only be operated if the load(s) is within the rated capacity ~~((of the truck shall be handled))~~ including long, high or multiple-tiered loads.

(3) ~~((The long or high (including multiple-tiered) loads which may affect capacity shall be adjusted.~~

~~((4) When attachments are used, particular care should be taken in securing, manipulating, positioning, and transporting the load.))~~ Powered industrial trucks equipped with attachments ~~((shall))~~ must be operated as partially loaded trucks when not handling a load.

~~((5))~~ (4) A load engaging means ~~((shall))~~ must be placed under the load as far as possible; the mast ~~((shall))~~ must be carefully tilted backward to stabilize the load.

~~((6) Extreme care shall be used when tilting the load forward or backward, particularly when high tiering.))~~ (5) Tilting forward with load engaging means elevated ~~((shall))~~ must be prohibited except to pick up a load. An elevated load ~~((shall))~~ must not be tilted forward except when the load is in a deposit position over a rack or stack. When stacking or tier-

ing, only enough backward tilt to stabilize the load ~~((shall))~~ must be used.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23033 Operation of the truck. (1) ~~((If at any time))~~ A powered industrial truck ~~((is))~~ found to be in need of repair, defective, or in any way unsafe, ~~((the truck shall))~~ must be taken out of service until it has been restored to safe operating condition.

(2) Fuel tanks ~~((shall))~~ must not be filled while the engine is running. Spillage ~~((shall))~~ must be avoided.

(3) Spillage of oil or fuel ~~((shall))~~ must be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(4) ~~((No truck shall))~~ Powered industrial trucks must not be operated with a leak in the fuel system ~~((until the leak has been corrected))~~.

(5) Open flames ~~((shall))~~ must not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23035 Maintenance of industrial trucks. (1) ~~((Any power operated))~~ Powered industrial trucks not in safe operating condition ~~((shall))~~ must be removed from service. All repairs ~~((shall))~~ must be made by authorized personnel.

(2) ~~((No))~~ Employers must not allow repairs ~~((shall))~~ to be made in Classes I, II, and III locations.

(3) ~~((Those))~~ Repairs to the fuel and ignition systems of powered industrial trucks which involve fire hazards ~~((shall))~~ must be conducted only in locations designated for such repairs.

(4) Powered industrial trucks in need of repair(s) to the electrical system ~~((shall))~~ must have the battery disconnected prior to starting such repairs.

(5) All parts of any such industrial truck requiring replacement ~~((shall))~~ must be replaced only ~~((by))~~ with parts equivalent ~~((as))~~ to ~~((safety with))~~ those used in the original design.

(6) Powered industrial trucks ~~((shall))~~ must not be altered so that the relative positions of the various parts are different from ~~((what they were when))~~ that originally received from the manufacturer ~~((, nor shall they be))~~. Employers must also insure that the powered industrial trucks are not altered, either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in WAC 296-24-23003. Additional counterweighting of ~~((fork))~~ powered industrial trucks ~~((shall))~~ must not be done unless approved by the truck manufacturer.

(7) Powered industrial trucks ~~((shall))~~ must be examined before being placed in service, and ~~((shall))~~ must not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination ~~((shall))~~ must be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they ~~((shall))~~ must be examined after each shift. Defects when found ~~((shall))~~ must be immediately reported and corrected.

(8) Water mufflers ~~((shall))~~ must be filled daily or as frequently as is necessary to prevent depletion of the supply of water below 75 percent of the filled capacity. ~~((Vehicles))~~ Powered industrial trucks with mufflers having screens or other parts that may become clogged ~~((shall))~~ must not be operated while such screens or parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system ~~((shall))~~ must immediately be removed from service, and not returned to service until the cause for the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any powered industrial truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, ~~((the vehicle shall))~~ it must be removed from service and not returned to service until the cause for such overheating has been eliminated.

(10) Powered industrial trucks ~~((shall))~~ must be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F.) solvents shall not be used. High flash point (at or above 100°F.) solvents may be used. Precautions regarding toxicity, ventilation, and fire hazard ~~((shall))~~ must be consonant with the agent or solvent used.

(11) ~~((Where it is necessary to use antifreeze in the engine cooling system, only those products having glycol base shall be used.))~~

(12) Powered industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks. Such conversion equipment ~~((shall))~~ must be approved. The description of the component parts of this conversion system and the recommended method of installation on specific trucks are contained in the "listed by report."

NEW SECTION

WAC 296-24-23037 Appendix 1 stability of powered industrial trucks nonmandatory appendix. (1) **Definitions.** The following definitions may help to explain the principle of stability:

"**Center of gravity**" means the point on an object at which all of the object's weight is concentrated. For symmetrical loads, the center of gravity is at the middle of the load.

"**Counterweight**" means the weight that is built into the truck's basic structure and is used to offset the load's weight and to maximize the vehicle's resistance to tipping over.

"**Fulcrum**" means the truck's axis of rotation when it tips over.

"**Grade**" means the slope of a surface, which is usually measured as the number of feet of rise or fall over a hundred foot horizontal distance (the slope is expressed as a percent).

"**Lateral stability**" means a truck's resistance to overturning sideways.

"**Line of action**" means an imaginary vertical line through an object's center of gravity.

"**Load center**" means the horizontal distance from the load's edge (or the fork's or other attachment's vertical face) to the line of action through the load's center of gravity.

"**Longitudinal stability**" means the truck's resistance to overturning forward or rearward.

"**Moment**" means the product of the object's weight times the distance from a fixed point (usually the fulcrum). In the case of a powered industrial truck, the distance is measured from the point at which the truck will tip over to the object's line of action. The distance is always measured perpendicular to the line of action.

"**Track**" means the distance between the wheels on the same axle of the truck.

"**Wheelbase**" means the distance between the centerline of the vehicle's front and rear wheels.

(2) **General.**

(a) Determining the stability of a powered industrial truck is simple once a few basic principles are understood. There are many factors that contribute to a vehicle's stability: The vehicle's wheelbase, track, and height; the load's weight distribution; and the vehicle's counterweight location (if the vehicle is so equipped).

(b) The "stability triangle," used in most stability discussions, demonstrates stability simply (see Figures 2 and 3).

(3) **Basic principles.**

(a) Whether an object is stable depends on the object's "moment" (see definitions, this section) at one end of a system being greater than, equal to, or smaller than the object's moment at the system's other end. This principle can be seen in the way a seesaw or teeter-totter works: That is, if the product of the load and distance from the fulcrum (moment) is equal to the moment at the device's other end, the device is balanced and it will not move. However, if there is a greater moment at one end of the device, the device will try to move downward at the end with the greater moment.

(b) The longitudinal stability of a counterbalanced powered industrial truck depends on the vehicle's moment and the load's moment. In other words, if the mathematic product of the load moment (the distance from the front wheels, the approximate point at which the vehicle would tip forward) to the load's center of gravity times the load's weight is less than the vehicle's moment, the system is balanced and will not tip forward. However, if the load's moment is greater than the vehicle's moment, the greater load-moment will force the truck to tip forward.

(4) **The stability triangle.**

(a) Almost all counterbalanced powered industrial trucks have a three-point suspension system, that is, the vehicle is supported at three points. This is true even if the vehicle has four wheels. The truck's steer axle is attached to the truck by a pivot pin in the axle's center. When the points are connected with imaginary lines, this three-point support forms a triangle called the stability triangle. Figure 2 depicts the stability triangle.

(b) When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the

vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

(5) Longitudinal stability.

(a) The axis of rotation when a truck tips forward is the front wheels' points of contact with the pavement. When a powered industrial truck tips forward, the truck will rotate about this line. When a truck is stable, the vehicle-moment must exceed the load-moment. As long as the vehicle-moment is equal to or exceeds the load-moment, the vehicle will not tip over. On the other hand, if the load-moment slightly exceeds the vehicle-moment, the truck will begin to tip forward, thereby causing the rear to lose contact with the floor or ground and resulting in loss of steering control. If the load-moment greatly exceeds the vehicle-moment, the truck will tip forward.

(b) To determine the maximum safe load-moment, the truck manufacturer normally rates the truck at a maximum load at a given distance from the front face of the forks. The specified distance from the front face of the forks to the line of action of the load is commonly called the load center. Because larger trucks normally handle loads that are physically larger, these vehicles have greater load centers. Trucks with a capacity of 30,000 pounds or less are normally rated at a given load weight at a 24-inch load center. Trucks with a capacity greater than 30,000 pounds are normally rated at a given load weight at a 36- or 48-inch load center. To safely operate the vehicle, the operator should always check the data plate to determine the maximum allowable weight at the rated load center.

(c) Although the true load-moment distance is measured from the front wheels, this distance is greater than the distance from the front face of the forks. Calculating the maximum allowable load-moment using the load-center distance always provides a lower load-moment than the truck was designed to handle. When handling unusual loads, such as those that are larger than 48 inches long (the center of gravity is greater than 24 inches) or that have an offset center of gravity, etc., a maximum allowable load-moment should be calculated and used to determine whether a load can be safely handled. For example, if an operator is operating a 3,000-pound capacity truck (with a 24-inch load center), the maximum allowable load-moment is 72,000 inch-pounds (3,000 times 24). If a load is 60 inches long (30-inch load center), then the maximum that this load can weigh is 2,400 pounds (72,000 divided by 30).

(6) Lateral stability.

(a) The vehicle's lateral stability is determined by the line of action's position (a vertical line that passes through the combined vehicle's and load's center of gravity) relative to the stability triangle. When the vehicle is not loaded, the truck's center of gravity location is the only factor to be considered in determining the truck's stability. As long as the line of action of the combined vehicle's and load's center of gravity falls within the stability triangle, the truck is stable and will not tip over. However, if the line of action falls outside the stability triangle, the truck is not stable and may tip over. Refer to Figure 3.

(b) Factors that affect the vehicle's lateral stability include the load's placement on the truck, the height of the

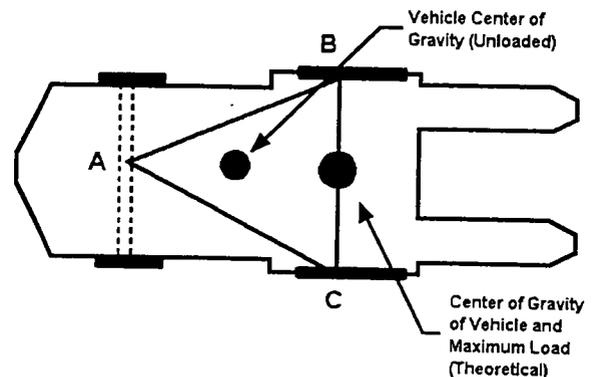
load above the surface on which the vehicle is operating, and the vehicle's degree of lean.

(7) Dynamic stability.

(a) Up to this point, the stability of a powered industrial truck has been discussed without considering the dynamic forces that result when the vehicle and load are put into motion. The weight's transfer and the resultant shift in the center of gravity due to the dynamic forces created when the machine is moving, braking, cornering, lifting, tilting, and lowering loads, etc., are important stability considerations.

(b) When determining whether a load can be safely handled, the operator should exercise extra caution when handling loads that cause the vehicle to approach its maximum design characteristics. For example, if an operator must handle a maximum load, the load should be carried at the lowest position possible, the truck should be accelerated slowly and evenly, and the forks should be tilted forward cautiously. However, no precise rules can be formulated to cover all of these eventualities.

Figure 2



Notes:

1. When the vehicle is loaded, the combined center of gravity shifts toward line B-C. Theoretically the maximum load will result in the center of gravity at the line B-C. In actual practice, the combined center of gravity should never be at line B-C.
2. The addition of additional counterweight will cause the truck center of gravity to shift toward point A and result in a truck that is less stable laterally.

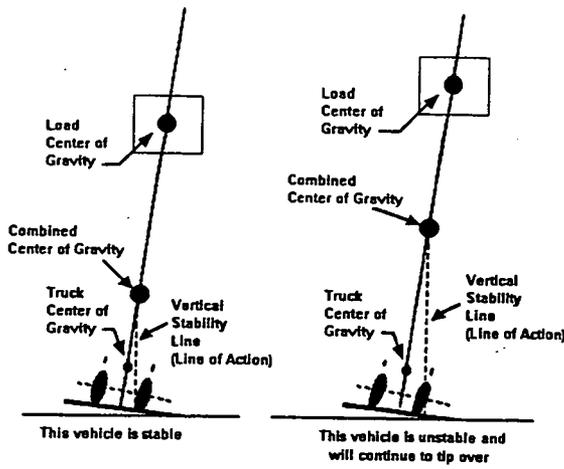


Figure - 3

When the vehicle's line of action, or load center falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

WAC 296-155-615 Material handling equipment. (1)

Earthmoving equipment; general.

(a) These rules apply to the following types of earthmoving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(b) Seat belts.

(i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(c) Access roadways and grades.

(i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	_____	SAE J319b-1971
Self-propelled graders	_____	SAE J236-1971
Trucks and wagons	_____	SAE J166-1971
Front end loaders and dozer	_____	SAE J237-1971

(e) Fenders. Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.

(f) Rollover protective structures (ROPS). See Part V of this chapter for requirements for rollover protective structures and overhead protection.

(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(h) Specific effective dates—Brakes and fenders. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(i) Audible alarms.

(i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

PERMANENT

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.

(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.

(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(k) Tractor motors shall be cranked only by operators or other experienced persons.

(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.

(m) Riders, except mechanics and persons in training to operate equipment, shall not be allowed on equipment unless a seat with a seatbelt is provided and used.

(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.

(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.

(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.

(q) Operator shall not leave controls of tractor with master clutch engaged.

(r) Personnel shall not get on or off machine while machine is in motion.

(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.

(t) Respirators shall be worn by operators when subject to harmful dust exposure.

(2) Excavating and other equipment.

(a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(b) For the purposes of this part and of Part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(3) Lifting and hauling equipment (other than equipment covered under Part L of this chapter). Industrial trucks (including forklifts) shall meet the requirements of WAC 296-24-230, 296-155-605 and the following:

(a) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counter-weights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(b) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(c) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(d) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(e) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 502 of American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

(f) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

(g) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(h) When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(i) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(ii) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(iii) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(iv) An operator shall be at the controls of the forklift equipment while persons are on the platform.

(v) The operator shall be in the normal operating position while raising or lowering the platform.

(vi) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

(vii) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(viii) All platforms shall be visually inspected daily or before each use by the person in charge of the work being

performed, and shall be tested as frequently as is necessary to maintain minimum safety factors.

(ix) Whenever a truck, except for high lift order picker trucks, is equipped with vertical hoisting controls elevatable with the lifting carriage or forks, the following precautions shall be taken for the protection of personnel being elevated.

(A) Provide a platform secured to the lifting carriage and/or forks.

(B) Provide means whereby personnel on the platform can shut off power to the truck.

(C) Provide such protection from falling objects as indicated necessary by the operating conditions.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60077 Powered industrial trucks. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. Employers must comply with the provisions of WAC 296-24-230 and this section. It does not apply to over-the-road vehicles.

(2) General.

(a) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.6 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and safely arranged loads within the rated capacity of the truck shall be handled.

(g) Drivers shall ascend and descend grades slowly.

(h) Drivers shall slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view drivers shall travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel. Where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehi-

cles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, trailers shall be moved in such a manner that the moving trailer is completely under control at all times. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If a power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel in order to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal combustion vehicles are used. Internal combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly. The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, forklift trucks shall be equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (15.2 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

(b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

(d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

(f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. The speed limit shall be prominently posted on such docks.

(h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overhead members, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(c) After July 26, 1999, bulk cargo-moving vehicles shall be equipped with rollover protection of such design and construction as to prevent the possibility of the operator being crushed because of a rollover or upset.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be fully enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet (2.6 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be fully enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or equivalent material.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52005 What manufacturer's requirements apply to powered industrial trucks? (1) All powered industrial trucks (~~must meet the design and construction requirements for powered industrial trucks established in the ANSI B56.1-1969, "Powered Industrial Trucks."~~) in use by an employer must meet the applicable requirements of design, construction and stability as defined by the American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks, except for vehicles intended primarily for earth moving or over-the-road hauling. All new powered industrial trucks acquired and used by an employer on or after March 1, 2000, must meet the applicable requirements of design, construction and stability as defined in ASME B56.1-1993. The employer must ensure that all powered industrial trucks are inspected, maintained and operated in accordance with this section and the manufacturer's recommendations and specifications.

(2) Approved trucks must have a label indicating approval by the testing laboratory as meeting the specifications and requirements of ANSI B56.1-1969.

(3) Modifications or additions must only be performed with the manufacturer's prior written approval. When modifications or additions are made, capacity, operation, and maintenance instruction plates, tags, or decals must be changed accordingly.

(4) If the truck is equipped with front-end attachments other than factory installed attachments, it must be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with the load centered from side to side.

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(5) The user must ensure that all nameplates and markings are in place and legible.

~~some locations where the use of an LP unit may not be considered suitable.))~~

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52007 What are the classifications of powered industrial trucks? Powered industrial trucks are identified according to the following classifications:

WAC 296-307-52011 What requirements determine which trucks to use in specific hazardous environments? Following are the minimum truck types required in specific hazardous environments. You may choose to use industrial trucks having greater safeguards. Tables W-1 and W-2 give specific vehicle usage information by Group and Class.

(1) "D" ~~((units are similar to G units except that they are diesel engine powered instead of gasoline engine powered))~~ refers to trucks that are diesel engine powered that have minimum safeguards against inherent fire hazards.

(2) "DS" ~~((units are))~~ refers to diesel powered ((units)) trucks that, in addition to meeting all the requirements for the type D trucks, with additional safeguards to the exhaust, fuel, and electrical systems. ((They may be used in some locations where a D unit may not be considered suitable.))

(3) "DY" ~~((units are))~~ refers to diesel powered ((units)) trucks that have all the safeguards of the DS ((units)) trucks; in addition, ((they do not have)) any electrical equipment((; including the ignition, and)) is completely enclosed. They are equipped with temperature limitation features.

(4) "E" ~~((units are))~~ refers to electrically powered ((units)) trucks with minimum acceptable safeguards against inherent fire hazards.

(5) "ES" ~~((units are))~~ refers to electrically powered ((units)) trucks that, in addition to all of the requirements for the E ((units)) trucks, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. ((They may be used in some locations where the use of an E unit may not be considered suitable.))

(6) "EE" ~~((units are))~~ refers to electrically powered ((units)) trucks that have, in addition to all of the requirements for the E and ES ((units)) type trucks, have their electric motors and all other electrical equipment completely enclosed. ((The EE unit may be used where the use of an E or ES unit may not be considered suitable.))

(7) "EX" ~~((units are))~~ refers to electrically powered ((units)) trucks that differ from E, ES, or EE ((units)) type trucks in that the electrical fittings and equipment are so designed, constructed, and assembled ((that the units may)) to be used in ((certain)) atmospheres containing flammable vapors or dusts.

(8) "G" ~~((units are))~~ refers to gasoline powered ((units having)) trucks that have minimum acceptable safeguards against inherent fire hazards.

(9) "GS" ~~((units are))~~ refers to gasoline powered ((units)) trucks with additional safeguards to the exhaust, fuel, and electrical systems. ((They may be used in some locations where the use of a G unit may not be considered suitable.))

(10) "LP" ~~((units are similar to G units except that LP gas is used for fuel instead of gasoline))~~ refers to liquified petroleum gas-powered trucks that have minimum acceptable safeguards against inherent fire hazards.

(11) "LPS" ~~((units are))~~ refers to LP-gas powered ((units)) trucks that in addition to meeting the requirements for LP trucks, are provided with additional safeguards to the exhaust, fuel, and electrical systems. ((They may be used in

TABLE W-1
SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS

CLASSES (Descriptions of classes)	GROUPS (Examples of locations or atmosphere in classes and groups)				DIVISIONS (Nature of hazardous conditions)		
UNCLASSIFIED	No group designations in Unclassified				No divisions in Unclassified		
Locations not possessing atmospheres as described in other columns.	Piers and wharves inside and outside general storage, general industrial or commercial properties						
CLASS I LOCATIONS Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.	A	B	C	D	1	2	
	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene	Conditions exist continuously, intermittently, or periodically under normal operating conditions.	Condition may occur due to accidentally, for example, due to a puncture of a storage drum.	
CLASS II LOCATIONS Locations which are hazardous because of the presence of combustible dust.	E		F		G	1	2
	Metal dust		Carbon black Coal dust Coke dust		Grain dust Flour dust Starch dust Organic dust	Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.	Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.
CLASS III LOCATIONS Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	Class III has no groups				1	2	
	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.				Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).	

TABLE W-2
AUTHORIZED USES OF TRUCKS BY TYPES IN GROUPS OF CLASSES AND DIVISIONS

Groups in classes	UN CLASSIFIED	CLASS I								CLASS II						CLASS III	
		DIV I				DIV II				DIV I			DIV II			DIV I	DIV II
		A	B	C	D	A	B	C	D	E	F	G	E	F	G	None	None
Diesel:																	
Type D	D**								DS								DS
Type DS									DY								DY
Type DY																	
Electric:																	
Type E	E**								ES								E
Type ES									EE								EE
Type EE					EX				EX		EX	EX					EX
Type EX																	
Gasoline:																	
Type G	G**								GS								GS
Type GS																	
LP-Gas:																	
Type LP	LP**								LPS								LPS
Type LPS																	

**Trucks conforming to these types may also be used.

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(1) Powered industrial trucks are prohibited in atmospheres with a hazardous concentration of (~~acetylene, butadiene, ethylene oxide, hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas), propylene oxide, acetaldehyde, cyclopropane, diethyl ether, ethylene, isoprene~~):

- Acetaldehyde,
- Acetylene,
- Butadiene,
- Cyclopropane,
- Diethyl ether,
- Ethylene,
- Ethylene oxide,
- Hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas),

- Isoprene,
- Propylene oxide, or
- Unsymmetrical dimethyl hydrazine (UDMH).

(a) Only approved EX trucks ((must)), or other trucks approved by the manufacturer, may be used in atmospheres containing hazardous concentrations of metal dust, including:

- Aluminum, magnesium, and their commercial alloys;
- Other ((metals)) dusts of similarly hazardous characteristics; or

• In atmospheres containing:

- Carbon black,
- Coal, or
- Coke dust.

(b) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks must have enclosures specifically approved for such locations.

(2) Only approved EX trucks ((must)), or other trucks approved by the manufacturer, may be used in atmospheres containing

- Acetone,
- Acrylonitrile,
- Alcohol,
- Ammonia,
- Benzene,
- Benzol,
- Butane,
- Ethylene dichloride,
- Gasoline,
- Hexane,
- Lacquer solvent vapors,
- Naphtha,
- Natural gas,
- Propane,
- Propylene,
- Styrene,
- Vinyl acetate,
- Vinyl chloride, or
- Xylenes

in quantities sufficient to produce explosive or ignitable mixtures.

(3) Only approved DY, EE, or EX trucks ((must)), or other trucks approved by the manufacturer, may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, if the hazardous liquids,

vapors or gases are normally confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown, or in case of abnormal equipment operation.

Only approved DY, EE, or EX trucks, or other trucks approved by the manufacturer, may also be used in locations in which hazardous concentrations of gases or vapors are normally prevented by mechanical ventilation but that might become hazardous through failure or abnormal operation of the ventilating equipment.

(4) Only approved DS, ES, GS, or LPS trucks ((must)), or other trucks approved by the manufacturer, may be used in locations used for the storage of hazardous liquids in sealed containers or liquefied or compressed gases in containers. This classification includes locations where volatile flammable liquids or flammable gases or vapors are used but are hazardous only in case of an accident or an unusual operation condition.

The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the business's history of explosions or fires are all factors that should be considered in determining which truck has sufficient safeguards for the location.

(a) Only approved EX trucks ((must)), or other trucks approved by the manufacturer, may be used in atmospheres in which combustible dust is or may be suspended in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(b) The EX classification, or other trucks approved by the manufacturer as having equal or greater safeguards, usually includes the working areas of:

- Grain handling and storage plants,
- Rooms containing grinders or pulverizers,
- Cleaners,
- Graders,
- Scalpers,
- Open conveyors or spouts,
- Open bins or hoppers,
- Mixers or blenders,
- Automatic or hopper scales,
- Packing machinery,
- Elevator heads and boots,
- Stock distributors,

• Dust and stock collectors (except all-metal collectors vented to the outside),

and all similar dust producing machinery and equipment in:

- Grain processing plants,
- Starch plants,
- Sugar pulverizing plants,
- Malting plants,
- Hay grinding plants, and other similar locations; and,
- Areas where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(5) Only approved DY, EE, or EX trucks ((must)), or other trucks approved by the manufacturer, may be used in atmospheres in which deposits or accumulations of combustible dust may be ignited by arcs or sparks from the truck, if

combustible dust will not normally be suspended or thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures.

(6) Only approved DY, EE, or EX trucks ((must)), or other trucks approved by the manufacturer, may be used in locations with easily ignitable fibers or flyings if the fibers or flyings are not likely to be suspended in quantities sufficient to produce ignitable mixtures.

(7) Only approved DS, DY, ES, EE, EX, GS, or LPS trucks ((must)), or other trucks approved by the manufacturer, may be used in locations, including outside storage, where easily ignitable fibers are stored or handled, but are not processed or manufactured. E trucks that have been previously used in these locations may continue to be used.

(8) If storage warehouses and outside storage locations are hazardous, the specified approved truck, or other truck approved by the manufacturer, must be used. If not classified as hazardous, any approved D, E, G, or LP truck, or other truck approved by the manufacturer, may be used, or trucks meeting the requirements for these types may be used.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52019 **What requirements apply to fuel handling and storage?** (1) You must ensure that liquid fuels such as gasoline and diesel fuel are stored and handled according to NFPA Flammable and Combustible Liquids Code (NFPA No. 30-((1969)) 1996).

(2) You must ensure that LP-gas fuel is stored and handled according to NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-((1969)) 1998).

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52021 **What requirements apply to lighting for operating areas?** (1) Adequate lighting should be provided in operating areas. (See ANSI Practice for Industrial Lighting, ((A11.1-1965 (R1970))) ANSI/IES RP-7 1990.)

(2) Where general lighting is inadequate, directional lighting must be provided on the truck.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52023 **What level of carbon monoxide gas is allowed?** Concentration levels of carbon monoxide gas created by truck operations must not exceed the levels specified in WAC 296-62-075, Part L (general occupational health standards).

Note: Questions concerning degree of concentration and methods of sampling should be referred to a qualified industrial hygienist.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52029 **((Who may operate))** **What are the operator training requirements for powered industrial trucks?** **((You must only allow trained and authorized operators to operate powered industrial trucks. You must provide training in the safe operation of powered industrial trucks to employee operators.))** (1) **Safe operation.**

(a) The employer must ensure that each powered industrial truck operator is trained in the safe operation of a powered industrial truck, and is competent to operate a powered industrial truck safely.

(b) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer must ensure that each operator has successfully completed the training required by this section.

(2) **Training program implementation.**

(a) Trainees may operate a powered industrial truck only under the direct supervision of persons who have the knowledge, training, and experience to train operators and where such operation does not endanger the trainee or other employees.

Note: The employer, or any other qualified person of the employer's choosing, may give required training and evaluation.

(b) Training must consist of formal instruction and/or practical training, conveyed in a manner that the trainee understands.

Note: Formal instruction may include lecture, discussion, interactive computer learning, video tape and/or written material. Practical training may include demonstrations performed by the trainer and practical exercises performed by the trainee.

(3) **Training program content.** Powered industrial truck operators must receive initial training in the topics that follow, except in topics that the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.

(a) Truck-related topics:

• Operating instructions, warnings and precautions for the types of truck the operator will be authorized to operate;

• Differences between the truck and the automobile;

• Truck controls and instrumentation: Where they are located, what they do, and how they work;

• Engine or motor operation;

• Steering and maneuvering;

• Visibility (including restrictions due to loading);

• Fork and attachment adaption, operation, and use limitations;

• Vehicle capacity;

• Vehicle stability;

• Any vehicle inspection and maintenance that the operator will be required to perform;

• Refueling and/or charging and recharging of batteries;

• Operating limitations;

• Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

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(b) Workplace-related topics:

- Surface conditions where the vehicle will be operated;
- Composition of loads to be carried and load stability;
- Load manipulation, stacking, and unstacking;
- Pedestrian traffic in areas where the vehicle will be operated;
- Narrow aisles and other restricted places where the vehicle will be operated;
- Hazardous (classified) locations where the vehicle will be operated;
- Ramps and other sloped surfaces that could affect the vehicle's stability;
- Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;
- Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

(4) Retraining.

(a) Retraining in relevant topics must be provided to the operator when:

- The operator has been observed to operate the vehicle in an unsafe manner;
- The operator has been involved in an accident or near-miss incident;
- The operator has received an evaluation that reveals that the operator is not operating the truck safely;
- The operator is assigned to drive a different type of truck; or
- The condition in the workplace changes in a manner that could affect safe operation of the truck.

(b) Retraining must be provided to an operator if three years has elapsed since he or she last received training.

(5) Avoidance of duplicative training. If an operator has previously received training in a topic specified in subsection (3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator can provide proof of such training within three years, and the employer can verify operator competency.

(6) Recordkeeping. Employers must keep records showing that each operator has been trained or received retraining as required by this section. These records must include the name of the operator, the date of the training or retraining, and the name of the person(s) giving the training or retraining.

(7) Implementation dates. The employer must ensure that operators of powered industrial trucks are trained, as appropriate, by the effective date of this section. Employees hired on or after the effective date of this section must be trained and found competent prior to being assigned to operate a powered industrial truck.

(8) Nonmandatory guidance. To assist employers in implementing operator training requirements, a nonmandatory appendix has been added as WAC 296-307-52030. This appendix does not add to, alter, or reduce the requirements of this section.

NEW SECTION

WAC 296-307-52030 Is there any additional (non-mandatory) information that may assist me with powered industrial truck operator training? (1) Definitions. The following definitions may help to explain the principle of stability:

"**Center of gravity**" means the point on an object at which all of the object's weight is concentrated. For symmetrical loads, the center of gravity is at the middle of the load.

"**Counterweight**" means the weight that is built into the truck's basic structure and is used to offset the load's weight and to maximize the vehicle's resistance to tipping over.

"**Fulcrum**" means the truck's axis of rotation when it tips over.

"**Grade**" means the slope of a surface, which is usually measured as the number of feet of rise or fall over a hundred foot horizontal distance (the slope is expressed as a percent).

"**Lateral stability**" means a truck's resistance to overturning sideways.

"**Line of action**" means an imaginary vertical line through an object's center of gravity.

"**Load center**" means the horizontal distance from the load's edge (or the fork's or other attachment's vertical face) to the line of action through the load's center of gravity.

"**Longitudinal stability**" means the truck's resistance to overturning forward or rearward.

"**Moment**" means the product of the object's weight times the distance from a fixed point (usually the fulcrum). In the case of a powered industrial truck, the distance is measured from the point at which the truck will tip over to the object's line of action. The distance is always measured perpendicular to the line of action.

"**Track**" means the distance between the wheels on the same axle of the truck.

"**Wheelbase**" means the distance between the centerline of the vehicle's front and rear wheels.

(2) General.

(a) Determining the stability of a powered industrial truck is simple once a few basic principles are understood. There are many factors that contribute to a vehicle's stability: The vehicle's wheelbase, track, and height; the load's weight distribution; and the vehicle's counterweight location (if the vehicle is so equipped).

(b) The "stability triangle," used in most stability discussions, demonstrates stability simply (see Figures 1 and 2).

(3) Basic principles.

(a) Whether an object is stable depends on the object's "moment" (see definitions, this section) at one end of a system being greater than, equal to, or smaller than the object's moment at the system's other end. This principle can be seen in the way a seesaw or teeter-totter works: That is, if the product of the load and distance from the fulcrum (moment) is equal to the moment at the device's other end, the device is balanced and it will not move. However, if there is a greater moment at one end of the device, the device will try to move downward at the end with the greater moment.

(b) The longitudinal stability of a counterbalanced powered industrial truck depends on the vehicle's moment and the

load's moment. In other words, if the mathematic product of the load-moment (the distance from the front wheels, the approximate point at which the vehicle would tip forward) to the load's center of gravity times the load's weight is less than the vehicle's moment, the system is balanced and will not tip forward. However, if the load's moment is greater than the vehicle's moment, the greater load-moment will force the truck to tip forward.

(4) **The stability triangle.**

(a) Almost all counterbalanced powered industrial trucks have a three-point suspension system, that is, the vehicle is supported at three points. This is true even if the vehicle has four wheels. The truck's steer axle is attached to the truck by a pivot pin in the axle's center. When the points are connected with imaginary lines, this three-point support forms a triangle called the stability triangle. Figure 1 depicts the stability triangle.

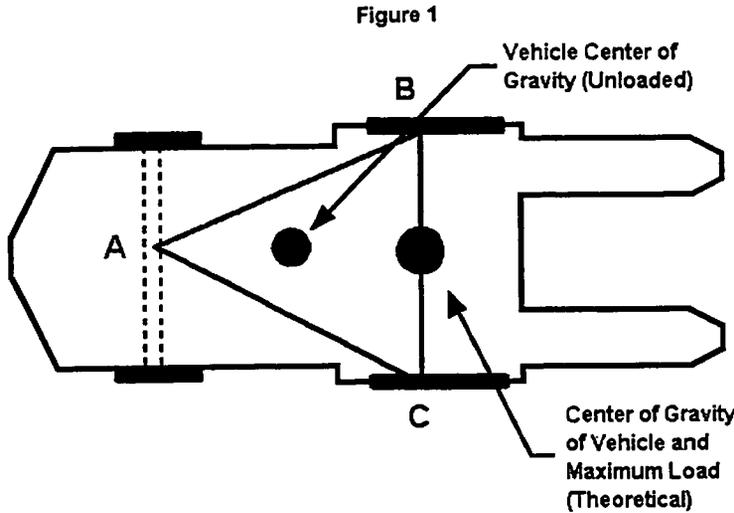


Figure 1

Notes:

1. When the vehicle is loaded, the combined center of gravity shifts toward line B-C. Theoretically, the maximum load will result in the center of gravity at the line B-C. In actual practice, the combined center of gravity should never be at line B-C.
2. The addition of additional counterweight will cause the truck center of gravity to shift toward point A and result in a truck that is less stable laterally.

(b) When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

(5) **Longitudinal stability.**

(a) The axis of rotation when a truck tips forward is the front wheels' points of contact with the pavement. When a powered industrial truck tips forward, the truck will rotate about this line. When a truck is stable, the vehicle-moment must exceed the load-moment. As long as the vehicle-moment is equal to or exceeds the load-moment, the vehicle will not tip over. On the other hand, if the load-moment slightly exceeds the vehicle-moment, the truck will begin to tip forward, thereby causing the rear to lose contact with the floor or ground and resulting in loss of steering control. If the load-moment greatly exceeds the vehicle-moment, the truck will tip forward.

(b) To determine the maximum safe load-moment, the truck manufacturer normally rates the truck at a maximum load at a given distance from the front face of the forks. The specified distance from the front face of the forks to the line of action of the load is commonly called the load center. Because larger trucks normally handle loads that are physically larger, these vehicles have greater load centers. Trucks with a capacity of 30,000 pounds or less are normally rated at a given load weight at a 24-inch load center. Trucks with a capacity greater than 30,000 pounds are normally rated at a given load weight at a 36- or 48-inch load center. To safely operate the vehicle, the operator should always check the data plate to determine the maximum allowable weight at the rated load center.

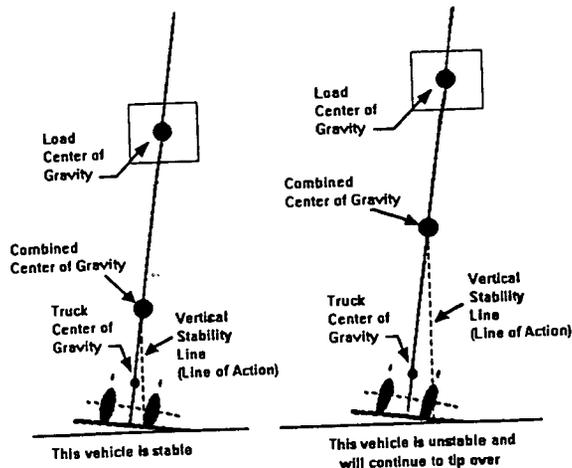


Figure - 2

(c) Although the true load-moment distance is measured from the front wheels, this distance is greater than the distance from the front face of the forks. Calculating the maximum allowable load-moment using the load-center distance

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always provides a lower load-moment than the truck was designed to handle. When handling unusual loads, such as those that are larger than 48 inches long (the center of gravity is greater than 24 inches) or that have an offset center of gravity, etc., a maximum allowable load-moment should be calculated and used to determine whether a load can be safely handled. For example, if an operator is operating a 3,000-pound capacity truck (with a 24-inch load center), the maximum allowable load-moment is 72,000 inch-pounds (3,000 times 24). If a load is 60 inches long (30-inch load center), then the maximum that this load can weigh is 2,400 pounds (72,000 divided by 30).

(6) Lateral stability.

(a) The vehicle's lateral stability is determined by the line of action's position (a vertical line that passes through the combined vehicle's and load's center of gravity) relative to the stability triangle. When the vehicle is not loaded, the truck's center of gravity location is the only factor to be considered in determining the truck's stability. As long as the line of action of the combined vehicle's and load's center of gravity falls within the stability triangle, the truck is stable and will not tip over. However, if the line of action falls outside the stability triangle, the truck is not stable and may tip over. Refer to Figure 3.

(b) Factors that affect the vehicle's lateral stability include the load's placement on the truck, the height of the load above the surface on which the vehicle is operating, and the vehicle's degree of lean.

(7) Dynamic stability.

(a) Up to this point, the stability of a powered industrial truck has been discussed without considering the dynamic forces that result when the vehicle and load are put into motion. The weight's transfer and the resultant shift in the center of gravity due to the dynamic forces created when the machine is moving, braking, cornering, lifting, tilting, and lowering loads, etc., are important stability considerations.

(b) When determining whether a load can be safely handled, the operator should exercise extra caution when handling loads that cause the vehicle to approach its maximum design characteristics. For example, if an operator must handle a maximum load, the load should be carried at the lowest position possible, the truck should be accelerated slowly and evenly, and the forks should be tilted forward cautiously. However, no precise rules can be formulated to cover all of these eventualities.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52031 What requirements apply to operating powered industrial trucks? (1) No operator may drive a truck up to anyone standing in front of a fixed object.

(2) No one may stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) ~~((Only authorized personnel may))~~ **Employers must not allow people to ride on powered industrial trucks**~~((The truck must have))~~ **unless a safe place to ride** ~~((when riding is authorized))~~ **is provided.**

(4) ~~((You))~~ **Employers must prohibit employees from placing** ~~((their arms or legs))~~ **Any body parts between the uprights of the mast or outside the running lines of the truck.**

(5) When an operator leaves a powered industrial truck unattended:

- (a) The load must be fully lowered;
- (b) The controls must be neutralized;
- (c) The power must be shut off; and
- (d) The brakes must be set.

(e) If the truck is parked on an incline, the wheels must be blocked.

A powered industrial truck is "unattended" when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(6) When a truck operator is dismounted, within 25 feet of the truck, and still in view, the load must be fully lowered, the controls must be neutralized, and the brakes must be set to prevent movement.

(7) The operator must maintain a safe distance from the edge of ramps or platforms while operating on any elevated dock, or platform or freight car.

(8) There must be enough headroom for trucks to operate under overhead installations, lights, pipes, sprinkler systems, or other overhead projections.

(9) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52039 What requirements apply to traveling in a powered industrial truck? (1) The operator must maintain a safe distance of approximately three truck lengths from the truck ahead. The truck must be kept under control at all times.

(2) The operator must yield the right of way to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Passing other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations is prohibited.

(4) Railroad tracks must be crossed diagonally wherever possible. The operator must not park closer than 8 feet from the center of railroad tracks.

(5) The operator must look in the direction of, and keep a clear view of, the path of travel.

(6) Stunt driving and horseplay are prohibited.

(7) The operator must approach elevators slowly, and then enter squarely after the elevator car is properly leveled. Once on the elevator, the operator must neutralize controls, shut off power, and set the brakes.

(8) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(9) The operator must avoid running over loose objects on the roadway surface.

(10) Access to fire aisles, stairways, and fire equipment must be kept clear.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52047 What requirements apply to maintaining powered industrial trucks? (1) Powered industrial trucks must be removed from service when not in safe operating condition. All repairs must be made by an authorized employee.

(2) No repairs may be made in Class I, II, and III locations.

(3) When repairs to fuel and ignition systems of industrial trucks involve fire hazards, the repairs must be conducted only in designated locations.

(4) Trucks in need of repairs to the electrical system must have the battery disconnected prior to repair.

(5) Industrial truck parts must be replaced only by parts of equivalent safety.

(6) Industrial trucks must not be altered so that the relative positions of parts are different from when they were manufactured. Industrial trucks must not have parts added or eliminated, except as provided in WAC 296-307-52005. Fork trucks must not have additional counterweighting added unless approved by the truck manufacturer.

(7) Industrial trucks must be examined at least daily before being placed in service. Industrial trucks must not be placed in service if the examination shows any unsafe condition.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects must be immediately reported and corrected.

(8) Water mufflers must be filled daily or as frequently as necessary to prevent the water supply from dropping below 75 percent. Vehicles must not be operated if muffler screens or other parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system must immediately be removed from service until the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck exceeds its normal operating temperature, the vehicle must be removed from service until the cause for overheating has been eliminated.

(10) Industrial trucks must be kept clean and free of excess accumulations of combustible materials, oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F) solvents must not be used. High flash point (at or above 100°F) solvents may be

used. Take precautions regarding toxicity, ventilation, and fire hazard according to the agent or solvent used.

(11) ~~((Glycol base antifreeze must be used in the engine cooling system.~~

~~(12))~~ Industrial trucks originally approved to use gasoline fuel may be converted to use LP-gas fuel if the converted truck has the features specified for LP or LPS designated trucks. The converted equipment must be approved. You may find a description of the conversion system and the recommended method of installation in the "listed by report" of a nationally recognized testing laboratory.

WSR 00-01-177

PERMANENT RULES

HUMAN RIGHTS COMMISSION

[Filed December 21, 1999, 4:55 p.m.]

Date of Adoption: December 17, 1999.

Purpose: To adopt improvements to current Human Rights Commission rules under Executive Order 97-02 relating to clarity, effectiveness, consistency with statutory intent and case law, need, and fairness.

Concise Explanatory Statement

Reason for Adoption of Rules: The purpose of these amendments is to adopt improvements to current commission rules under Executive Order 97-02 relating to clarity, effectiveness, consistency with statutory intent and case law, need, and fairness.

Differences between Proposed Rules and Adopted Rules: The commission adopted chapters 162-12, 162-18, and 162-20 WAC exactly as proposed. In WAC 162-28-040 the commission made a grammatical correction (changing "insure" to "ensure"). In WAC 162-40-010 the commission corrected a statutory reference (RCW 49.60.222 (1)(j)), and in WAC 162-40-041 (2)(a)(iii) the commission restored a phrase ("in accordance with procedures established by the creditor") found in the previous version of the rule.

Summary of Comments Received and Commission Response: Only one person or organization provided written comments on the proposed rules. No one offered public comments at either the September 23rd Vancouver or October 15th Seattle public hearings.

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NAME	REPRESENTING	
Bryan Wahl	Washington Association of Realtors (WAR)	
WAC	COMMENT	STAFF RESPONSE
162-12-140(a)	With respect to age, WAR suggests changing the example to read: "Any inquiry not in compliance with 49.44.090 that implies a preference for persons (under 40 years of age) <u>of certain ages.</u> "	Staff do not recommend making the proposed change. Chapter 49.60 RCW specifically protects persons over the age of 40 from age discrimination. The proposed language, " <u>of certain ages.</u> " is more general and introduces potential ambiguity.

162-12-140(c)	WAR inquired whether the rule means that it is unfair to ask about citizenship on a job application.	In most circumstances, yes. However, an employer who has a business need to know whether the applicant can be legally employed can make an inquiry such as: "Do you have a legal right to work in the U.S.? Proof of a legal right to work in the U.S. will be required after hire."
162-12-140(h)	WAR inquired whether the rule means that it is unfair to ask about marital status on a job application. What if an individual <u>prefers</u> to be referred to as Mr., or Mrs., or Miss?	Yes, it is unlawful for an employer to ask about an applicant's marital status on an application form. Marital status does not tell the employer anything about the applicant's ability to perform the job. The personal preference of the applicant with respect to form of address is not at issue. The rule's intent is to provide guidance to employers on how to comply with the law in this area.
162-12-140 (j) and (k)	With respect to Name and National Origin, WAR inquired whether it was unlawful to ask even if only to establish a common bond or background - e.g. "Oh, I'm from (country) too..."	The intent of the rule is to provide guidance to employers on what they can lawfully ask under the law. It is not appropriate for an employer to inquire about National Origin, even in order to establish a common denominator.
162-12-140(l)	Regarding organizations, WAR notes that it is unfair to "require" a listing of all clubs, lodges, etc... but is it OK to <u>ask</u> on a job application?	No, it is not OK to either require or ask for a listing of all organizational memberships. However, an employer may ask for a listing of memberships that do not otherwise indicate the protected status of the applicant.
162-12-140(p)	Relatives. WAR suggested changing the explanatory note to read: "(While the law does not prohibit company policies governing the employment of relatives, any policy that has the effect of <u>advantaging or</u> disadvantaging minorities, women, married couples, or (other protected classes) <u>anyone</u> would be in violation of the law...)"	The comments appear to interpret this explanatory statement as an equal employment opportunity or affirmative action statement. It is not. The intent is simply to apprise employers that any policy which discriminates against protected class members is a violation of the law unless there is a business necessity reason for the policy. Inserting " <u>anyone</u> " is inappropriate because the law does not prohibit discrimination against anyone for any reason - only on the basis found in chapter 49.60 RCW.
162-20-030	Age discrimination - WAR suggests that, while this is the legal definition, HRC should leave out the reference to the specific age (over forty).	The reference to the specific age is important because it clarifies that the protected age range begins at forty years of age.
162-28-040	Public education - WAR suggests that, in proposed subsection (1), the word "insure" should be "ensure." This is a grammatical correction.	Staff agrees: "ensure" best conveys the desired meaning.
162-40-041 (2)(a)(iii)	WAR suggests adding language like: "A refusal to increase the amount of credit available to an applicant who has made an application for an increase <u>when certain defined terms and qualifications are met.</u> "	The example merely illustrates the concept of an "adverse action." It is not conditioned on whether certain terms and qualifications are met. Such language introduces potential ambiguity. However, staff agrees that greater specificity in the example is warranted. Staff recommends restoring the phrase "in accordance with procedures established by the creditor" from current rule.

WAC 162-12-100 Purpose, this amendment clarifies the general purpose of the chapter for readability. A definition of "protected status" identical to that found in chapter 162-16 WAC (Employment) is added for clarity.

WAC 162-12-120 General approach, this amendment clarifies sentence structure and wording for readability.

WAC 162-12-130 Discriminatory inquiries are prohibited, this amendment clarifies sentence structure and wording for readability.

WAC 162-12-135 Bona fide occupational qualifications, this amendment updates a reference to chapter 162-16 WAC that provides guidance on bona fide occupational qualifications.

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WAC 162-12-140 Preemployment inquiries, this amendment clarifies sentence structure and wording for readability. Examples are updated and typographical errors are corrected.

WAC 162-12-150 Required inquiries, this amendment clarifies sentence structure and wording for readability.

WAC 162-12-160 Data for legitimate purposes, this amendment clarifies sentence structure and wording for readability.

WAC 162-12-170 Conditions for inquiries to applicants, this amendment clarifies sentence structure and wording for readability and is updated to reflect current agency practice.

WAC 162-12-180 Postemployment records, this amendment clarifies sentence structure and wording for readability.

WAC 162-18-010 Corrective employment program defined, 162-18-020 Purpose and policy, 162-18-030 Corrective employment programs are lawful, 162-18-040 Permissible components of program, 162-18-050 When programs may be used, 162-18-060 Termination of programs, 162-18-070 Voluntary programs recommended, 162-18-080 Commission approval of voluntary programs, 162-18-090 Job orders specifying race, creed, color, national origin, sex, marital status, handicap, or age and 162-18-100 Construction—Relation to preemployment inquiry guide, the commissioners repealed these sections as unnecessary.

WAC 162-20-010 Purpose, this amendment clarifies sentence structure and wording for readability.

WAC 162-20-020 Statutes interpreted, this amendment deletes unnecessary repetition of statutory text and clarifies sentence structure and wording for readability.

WAC 162-20-030 Jurisdiction of commission, this amendment clarifies sentence structure and wording for readability.

WAC 162-28-030 Schools are places of public accommodation, this amendment clarifies sentence structure and wording for readability and defines "protected status" for clarity.

WAC 162-28-040 English language limitations and national origin discrimination in K-12 grades, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-010 Scope of chapter, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-021 Coordination with federal law, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-031 Commission review of forms, practices, and procedures, the commissioners repealed this section as unnecessary.

WAC 162-40-041 Definitions, this amendment eliminates unnecessary or obsolete text and clarifies sentence structure and wording for readability.

WAC 162-40-051 General rule prohibiting discrimination, the commissioners repealed this section as unnecessary.

WAC 162-40-055 Rules concerning applications, this new section consolidates provisions related to credit applications.

WAC 162-40-061 Discouraging applications, the commissioners repealed this section as unnecessary.

WAC 162-40-065 Rules concerning evaluation of applications, this new section consolidates provisions relating to evaluation of applications.

WAC 162-40-071 General concerning requests for information, the commissioners repealed this section as unnecessary.

WAC 162-40-075 Rules concerning extensions of credit, this new section consolidates provisions related to extensions of credit.

WAC 162-40-081 Request for designation of membership in certain protected classes, the commissioners repealed this section as unnecessary.

WAC 162-40-091 Other information a creditor may not request, 162-40-101 Information about a spouse or former spouse, 162-40-111 Application forms: Special state requirements, 162-40-121 General rule concerning use of information, 162-40-131 Specific rules concerning use of information, 162-40-141 Opening accounts, 162-40-151 Action concerning existing open end accounts and 162-40-161 Signature of spouse or other person, the commissioners repealed these sections as unnecessary.

WAC 162-40-171 Notifications, this amendment eliminates unnecessary or obsolete text and clarifies sentence structure and wording for readability.

WAC 162-40-181 Furnishing of credit information, this amendment eliminates unnecessary or obsolete text and clarifies sentence structure and wording for readability.

WAC 162-40-191 General rule, this amendment updates existing language to reflect statutory changes to covered protected statuses since 1977.

WAC 162-40-201 Rules concerning credit files, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-211 Record retention, this amendment eliminates unnecessary or obsolete text and clarifies sentence structure and wording for readability.

WAC 162-40-221 Rules of construction, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-231 Exemption for special purpose credit program, this amendment clarifies sentence structure and wording for readability.

WAC 162-40-241 Special treatment for certain classes of transactions, the commissioners repealed this section as unnecessary.

WAC 162-40-251 Remedies, this amendment clarifies sentence structure and wording for readability and is updated to reflect current commission practice.

Citation of Existing Rules Affected by this Order: Repealing chapter 162-18 WAC, WAC 162-40-031, 162-40-051, 162-40-061, 162-40-071, 162-40-081, 162-40-091, 162-40-101, 162-40-111, 162-40-121, 162-40-131, 162-40-141, 162-40-151, 162-40-161, and 162-40-241; and amending WAC 162-12-100, 162-12-120, 162-12-130, 162-12-140, 162-12-150, 162-12-160, 162-12-170, 162-12-180, 162-20-010, 162-20-020, 162-20-030, 162-28-030, 162-28-040, 162-40-010, 162-40-021, 162-40-041, 162-40-171, 162-40-181, 162-40-191, 162-40-201, 162-40-211, 162-40-221, 162-40-231, and 162-40-251.

Statutory Authority for Adoption: RCW 49.60.120(3).

Adopted under notice filed as WSR 99-17-102 on August 18, 1999.

Changes Other than Editing from Proposed to Adopted Version: In WAC 162-40-041: Restored phrase found in previous version of the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 24, Repealed 24.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 24, Repealed 24.

Effective Date of Rule: Thirty-one days after filing.

December 21, 1999

Sue J. Jordan

Executive Director

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-100 Purpose. (1) These regulations (~~are intended to~~) carry out (~~the purposes of~~) the law against discrimination as stated generally in RCW 49.60.010 and 49.60.030, and (~~to inform employers, employment agencies, and the public of the commission's interpretation of~~) interpret RCW 49.60.180 and 49.60.200 which declare certain preemployment inquiries to be unfair practices.

(2) The commission (~~will~~) generally follows (~~in its interpretation of statutory provisions in~~) chapter 49.60 RCW and (~~rules contained in Title 162 WAC,~~) federal court decisions (~~interpreting~~) that interpret comparable statutes and rules. The commission will not follow (~~such~~) federal precedents (~~however, where it believes that~~) when a different interpretation of state statutes and rules will better carry out the purposes of chapter 49.60 RCW.

(3) This regulation cannot cover every question (~~which~~) that might arise in connection with inquiries prior to employment. The commission expects that in most cases these rules, either directly or by analogy, will guide those who are covered by the law. (~~Employers and employment agencies that have questions are invited to call the commission's staff for advice and assistance, or, if necessary, to petition the commission for a declaratory ruling under RCW 34.05.240 and WAC 162-08-700 concerning the application of the law to particular facts.~~)

(4) Definition: In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a

trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.180).

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-120 General approach. (1) Inquiries (~~which would~~) that convey (~~the impression~~) to a reasonable person that applicants in a protected class will be discriminated against are prohibited whether or not they are (~~made in connection with~~) connected to a discriminatory purpose.

(2) The commission recognizes the legitimate interests of employers and employment agencies with respect to (~~the protected class status of applicants which~~) making preemployment inquiries that are consistent with the purpose of the law against discrimination, or where required by government or to carry out an employer's policy of nondiscrimination. (~~However, the commission also recognizes that~~) In the absence of safeguards, (~~the~~) preemployment inquiries or records of (race, sex, etc.,) applicants' protected status can be misused for discriminatory purposes. (~~To address this conflict, the commission has established fixed~~) The rules in WAC 162-12-140 (which characterize particular preemployment inquiries as) identify common fair (or) and unfair (in such a way that employers and employment agencies who intend to make legitimate use of such data have maximum freedom to do so without conveying) preemployment inquiries so that employers and employment agencies do not convey the impression that (protected class) applicants will be discriminated against based on protected status.

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-130 Discriminatory inquiries (~~for purposes of discrimination~~) are prohibited. (~~It is an unfair practice to make~~) Any preemployment inquiry or (keep) the keeping of any record of (race, creed, color, national origin, age, sex, marital status, or disability,) protected status before (during, or after) employment (,) for (the purpose of discriminating on these grounds,) a discriminatory purpose is prohibited and may be evidence of an unfair practice when connected to the applicant's protected status unless the particular quality inquired about is a bona fide occupational qualification.

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-135 Bona fide occupational qualifications. (~~The statutes construed in this~~) Chapter 49.60 RCW recognizes an exception to unfair preemployment inquiries when the inquiries are based upon a "bona fide occupational qualification." (~~For guidance on the meaning of that term see WAC 162-16-020. The provisions of this preemployment guide do not apply where age, sex, race, creed, color, marital status, national origin, or freedom from a disability is a bona fide occupational qualification and is identified as such to the~~)

applicant or other person. See WAC 162-16-040.) (See WAC 162-16-240.)

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-140 Preemployment inquiries. (1) The following ~~((chart of))~~ examples of fair and unfair ~~((inquiry rules))~~ inquiries apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of ~~((persons seeking to be employed))~~ job applicants. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.

(2) Employers and employment agencies shall ~~((observe))~~ comply with these ~~((preemployment))~~ rules except where one or more of the following conditions exist:

(a) When there is a "bona fide occupational qualification," ~~((as explained in chapter 162-16-WAC.))~~

(b) A voluntary affirmative action plan ~~((to address past or current discriminatory conditions or an affirmative action plan))~~ that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.

(c) A ~~((contrary))~~ requirement of federal law or regulation, as explained in WAC 162-12-150. ~~((If one or more of the above conditions apply, the employer or employment agency may use appropriate inquiries that would otherwise be unfair. Inquiries made under these exceptions must always be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-170, and 162-16-040.))~~

If one or more of the above conditions apply, the inquiries of employers and employment agencies must be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-160 and 162-12-170.

(3) The following examples ~~((in the following chart))~~ of fair and unfair preemployment inquiries ~~((are intended to))~~ define what is an unfair practice under RCW 49.60.180(4) and 49.60.200. These examples, however, are not all inclusive. All preemployment inquiries ~~((which))~~ that unnecessarily elicit the ~~((race, sex, or membership in other))~~ status of a job applicant are prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES
a. Age	Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090.	Any inquiry not in compliance with RCW 49.44.090 ((which)) <u>that</u> implies a preference for persons under 40 years of age.

(For age discrimination, RCW 49.44.090 must be read in conjunction with RCW 49.60.180 and 49.60.200. RCW 49.44.090 limits age discrimination coverage to persons 40 years of age and older, and makes other limitations and exceptions to the age discrimination law.)

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES
b. Arrests (see also Convictions)	Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior ((which)) <u>that</u> would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.	Any inquiry ((which)) <u>that</u> does not meet the requirements for fair preemployment inquiries.
c. Citizenship	Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of a legal right to work in the United States after hire.	Whether applicant is citizen. Requirement before ((hiring)) <u>job offer</u> that applicant present birth certificate, naturalization or baptismal divulge applicant's lineage, ancestry, national origin, descent, or birth place.
d. Convictions (see also Arrests)	Statistical studies on convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business ((necessity)) <u>necessity</u> if the crimes inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other	Inquiries concerning convictions and imprisonment which either do not relate reasonably to job duties or did not occur within the last ten years will not be considered justified by business necessity.

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SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOY- MENT INQUIRES	SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOY- MENT INQUIRES
	organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.			None.	() Mr. () Mrs. () Miss () Ms. Whether the applicant is married, single, divorced, separated, engaged, widowed, etc.
e. Family	Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.	Specific inquiries concerning spouse, spouse's employment or salary, children, child care (arrangements) <u>arrangements</u> , or dependents.	h. Marital Status (see also Name and Family)		
f. Disability	Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other office as may be able to assist them.	Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation <u>prior to a conditional job offer</u> . Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.	i. Military	Inquiries concerning education, training, or work experience in the armed forces of the United States.	Type or condition of military discharge. Applicant's experience in military other than U.S. armed forces. Request for discharge papers.
			j. Name	Whether applicant has worked for this company or another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name.	Inquiry into original name where it has been (charged) <u>changed</u> by court order or marriage. Inquiries about a name (which) <u>that</u> would divulge marital status, lineage, ancestry, national origin or descent.
			k. National Origin	Inquiries into applicant's ability to read, write and speak foreign languages, when such inquiries are based on job requirements.	Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.
			l. Organizations	Inquiry into organization memberships, excluding any organization the name or character of which indicates the race, color, creed, sex, marital status, religion, or national origin or ancestry of its members.	Requirement that applicant list all organizations, clubs, societies, and lodges to which he or she belongs.
			m. Photographs	May be requested <i>after</i> hiring for identification purposes.	Request that applicant submit a photograph, mandatorily or optionally, at any time before hiring.
g. Height and Weight	Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.	Any inquiry which is not based on actual job requirements and not consistent with business necessity.	n. Pregnancy (see also Disability)	Inquiries as to a duration of stay on job or anticipated absences which are made to males and females alike.	All questions as to pregnancy, and medical history concerning pregnancy and related matters.
			o. Race or Color	None. See WAC 162-12-150, 162-12-160, and 162-12-170.	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC 162-12-150, 162-12-160, and 162-12-170.

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOY- MENT INQUIRES
p. Relatives	Name of applicant's relatives already employed by this company or by any competitor.	Any other inquiry regarding marital status, identity of one's spouse, or spouse's occupation are considered unfair practices in accordance with WAC 162-12-150.
q. Religion or Creed	None.	Inquiries concerning applicant's religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed.
r. Residence	Inquiries about address to the extent needed to facilitate contacting the applicant.	Names or relationship of persons with whom applicant resides. Whether applicant owns or rents own home.
s. Sex	None.	Any inquiry concerning gender is prohibited.

(While the law does not prohibit company policies governing the employment of relatives, any policy ~~((which))~~ that has the effect of disadvantaging minorities, women, married couples, or other protected classes, would be in violation of the law unless it is shown to serve a necessary business purpose.) See WAC 162-12-150, 162-12-160, and 162-12-170.

(2) Data on ~~((race, creed, color, national origin, sex, age, disability, or marital))~~ protected status shall not be recorded on any record ~~((which))~~ that is kept in the applicant's preemployment file, nor shall such data be kept in any other place or form where it is available to those who process the application. Application records ~~((which))~~ that identify the ~~((race, etc.))~~ protected status of a particular person shall be kept confidential, except to the extent necessary to implement an affirmative action program as authorized by law, to permit the compilation of statistics, and to permit verification of the statistics by top management of the employer, or by the Washington state human rights commission ~~((or other concerned governmental agencies))~~.

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-170 Conditions for inquiries to applicants. An employer or employment agency may ask an applicant to voluntarily state his or her ~~((race, creed, color, national origin, sex, marital status, age, or disability))~~ protected status for ~~((a nondiscriminatory purpose, and then))~~ reasons stated in WAC 162-12-150 and 162-12-160 only if it has satisfied all of the following conditions:

(1) The employer shall have adopted a written equal employment policy which authorizes the inquiries as a means of monitoring its enforcement, and which sets out detailed procedures for keeping the responses confidential and separate from other records relating to applicants, in fulfillment of the requirements of WAC 162-12-160(2); and

(2) The form on which the question appears contains statements clearly informing the applicant the information is strictly voluntary, the reasons for asking for the information, the uses to which the information will be put, and the safeguards ~~((which))~~ that will prevent use of the information by those who will process the application~~((and~~

~~((3) The written policy and proposed form shall have been submitted to and have been approved by the executive director of the commission or his or her designate, or they have been required or approved by an agency of the United States government which has jurisdiction to do so)).~~

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-150 Required inquiries ~~((required by United States)). ((Because of the supremacy of federal law over state law;))~~ An employer or employment agency may ask ~~((applicants to state their race, creed, color, age, sex, marital status, disability, or national origin))~~ applicants about protected status to the extent that the employer is required to do so by the Washington state or the United States government or a federal or state court decree. When the applicant data are required by the ((United States)) court or government ~~((asks only for data on race, creed, color, national origin, age, marital status, disability, or sex of applicants))~~, the information shall be acquired by means other than inquiry to the applicants, unless the ~~((United States))~~ court or government expressly requires the inquiries or unless the inquiries are made in conformity with WAC 162-12-160 and 162-12-170.

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-160 Data for legitimate purposes. (1) ~~((It is not an unfair practice to))~~ An employer or employment agency may make inquiries as to race, sex, national origin, or disability for purposes of affirmative action ~~((to correct or prevent discrimination against persons in protected classes))~~, when the inquiries are made in the manner provided in WAC 162-12-170.

AMENDATORY SECTION (Amending WSR 96-21-054, filed 10/14/96, effective 11/14/96)

WAC 162-12-180 Post employment records. RCW 49.60.180 and 49.60.200 and these rules do not prohibit making or keeping records of the ~~((race, creed, color, national origin, sex, marital status, disability or age))~~ protected status of persons after they are employed, unless the records are used for the purpose of discrimination. To prevent improper use, records of an employee's ~~((race, color, or disability))~~ protected status must be ~~((kept separate from the employee's personnel file))~~ maintained in a manner accessible only on a need to know basis.

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REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 162-18-010 Corrective employment program defined.
- WAC 162-18-020 Purpose and policy.
- WAC 162-18-030 Corrective employment programs are lawful.
- WAC 162-18-040 Permissible components of program.
- WAC 162-18-050 When programs may be used.
- WAC 162-18-060 Termination of programs.
- WAC 162-18-070 Voluntary programs recommended.
- WAC 162-18-080 Commission approval of voluntary programs.
- WAC 162-18-090 Job orders specifying race, creed, color, national origin, sex, marital status, handicap or age.
- WAC 162-18-100 Construction—Relation to preemployment inquiry guide.

AMENDATORY SECTION (Amending Order 9, filed 9/23/71)

WAC 162-20-010 Purpose. These rules ~~((are adopted for the purpose of clarifying the jurisdiction of the Washington state human rights commission in enforcement of))~~ clarify the age discrimination provisions of RCW 49.60.180 and 49.44.090, with respect to candidates for public employment.

AMENDATORY SECTION (Amending Order 9, filed 9/23/71)

WAC 162-20-020 Statutes interpreted. Section 1, chapter 100, Laws of 1961, amended RCW 49.60.180 to add discrimination because of age(;) as an unfair practice of employers. ~~((RCW 49.60.180 is part of the law against discrimination and originally covered only discrimination because of race, creed, color or national origin.~~

~~RCW 49.60.010, which gives the human rights commission general jurisdiction and powers "... with respect to elimination and prevention of discrimination in employment ... because of race, creed, color, or national origin ..." was not amended.~~

~~RCW 49.60.120, which sets out the powers and duties of the commission, was not amended. It still reads that the commission has the power and duty to "... receive, investigate and pass upon complaints alleging unfair practices as defined in this chapter because of race, creed, color, or national origin."~~

RCW 49.44.090(~~(a new section originating in chapter 100, Laws of 1961,))~~ reads in part:

"...
"Nothing contained in this section or in RCW 49.60.180 as to age shall be construed . . . ; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude . . . ; nor shall this section be construed . . . as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors."

AMENDATORY SECTION (Amending Order 9, filed 9/23/71)

WAC 162-20-030 Jurisdiction of commission. The human rights commission shall not exercise jurisdiction over any alleged unfair practice as to age (over forty) when ~~((it appears that))~~ the respondent is acting under a law, ordinance or valid rule fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for public employment.

AMENDATORY SECTION (Amending Order 17, filed 6/28/74)

WAC 162-28-030 Schools are places of public accommodation. (1) All public and private schools and other educational facilities in the state of Washington, ~~((public or private,))~~ except those operated or maintained by a bona fide religious or sectarian institution, are "places of public resort, accommodation, assemblage or amusement" for purposes of the Washington state law against discrimination, chapter 49.60 RCW. ~~((See the definition of the quoted term in RCW 49.60.040.))~~

(2) ~~((This means that))~~ Definition: In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.215).

(3) Except for conditions and limitations established by law and applicable to all persons, regardless of protected status, it is an unfair practice under RCW 49.60.215 for ((nonexempt)) public and private schools or educational facilities or their agents or employees ((to)), on the basis of protected status, to:

(a) Commit any act which directly or indirectly results in any distinction, restriction or discrimination ((or the requiring of));

(b) Require any person to pay a larger sum than the uniform rates charged other persons((, or the refusing or withholding));

(c) Refuse or withhold from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging ((... except for conditions and limitations estab-

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lished by law and applicable to all persons, regardless of race, creed, color, or national origin."

~~(3) This public accommodations section of the law against discrimination applies to schools in their relationship with students and potential students and their parents, and with members of the public who seek to use school facilities or who have an interest in how school facilities are used. Other sections of the law against discrimination govern schools in their relationship to employees (e.g. RCW 49.60.180), to those with whom schools have real estate transactions (e.g. RCW 49.60.222), and to others. RCW 49.60.030 declares a general civil right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental or physical handicap. Public schools are governed by Article IX, section 1 (equal education) and Article XXXI (Amendment 61) (equal rights) of the Washington constitution and various federal and state statutes on equal treatment of the races and sexes, in addition to the law against discrimination)) in a place of public accommodation.~~

AMENDATORY SECTION (Amending Order 17, filed 6/28/74)

~~WAC 162-28-040 ((Equal educational opportunity for children who are limited in)) English language ((skills because of)) limitations and national origin discrimination. ((+)) It is an unfair practice ((under RCW 49.60.215 for a school or educational institution covered by that section)) for public and private schools to fail or refuse to provide equal educational opportunity to children who are deficient in English language skills because of their national origin. Schools attended by such children shall meet the following standards:~~

~~((a)) (1) Where inability to speak and understand the English language excludes ((national origin minority group)) children based on national origin from effective participation ((in the educational program offered by a school district)), the district must take ((affirmative)) steps to ((rectify the language deficiency in order to open its instructional program to these students)) ensure all programs and activities do not bar such students from fully participating.~~

~~((b)) (2) The ((affirmative)) steps taken under part ((a)) (1) shall build competency in the English language without detriment to the children's skills in other languages, and without impairing or suppressing the children's cultural identity and heritage. The steps may include bilingual ((bicultural)) education. The appropriateness of particular ((action)) steps to be taken will depend in part on ((whether the school or educational institution has many children or only a few)) the number of children who require ((the steps)) this service. ((Nothing in this section is intended to preclude inclusion in the program of children who are deficient in the English language for reasons other than their national origin where that is compatible with the purposes of this section.~~

~~(e) School districts must not assign national origin minority group students to) (3) Students who are deficient in English language skills because of their national origin must not be assigned to special education classes for ((the mentally~~

~~retarded)) students with mental or other disabilities solely on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny ((national origin minority group)) children based on their national origin access to college preparatory courses on a basis directly related to the failure of the school system to ((inevitably)) address English language ((skills)) deficiencies.~~

~~((d)) (4) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of ((national origin minority group)) children based on their national origin must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track.~~

~~((e)) (5) School districts have the responsibility to adequately notify ((national origin minority group)) parents, regardless of their national origin, of school activities which are called to the attention of other parents. In order to be adequate, such notice ((in order to be adequate)) may have to be provided in a language other than English.~~

~~((2) This section is intended to be consistent with the requirements of section 601 the United States Civil Rights Act of 1964, 42 USC section 2000d, and the regulations of the United States Department of Health, Education and Welfare, 45 CFR Part 80, and HEW guidelines to selected school districts dated 10 July 1970, 35 Fed. Reg. 11595, as interpreted in *Lau v. Nichols*, 39 L. ed 2d 1, 94 S. Ct. . . . (1974). Parts (a), (c), (d), and (e) of paragraph (1) are taken verbatim from the 10 July 1970 HEW guideline.))~~

AMENDATORY SECTION (Amending Order 25, filed 4/23/76)

~~WAC 162-40-010 Scope of chapter. This chapter ((contains regulations carrying out the purposes of the provisions of)) carries out the policies and practices of the commission in connection with the law against discrimination covering credit transactions ((, and carrying out the policies and practices of the commission in connection therewith)). The principal statutes involved are RCW 49.60.175, 49.60.176, and 49.60.222((9)) (1)(j).~~

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

~~WAC 162-40-021 ((202-1)) Coordination with federal law. (1) ((Equal Credit Opportunity Act.)) It is the policy of the commission to coordinate its enforcement of the Washington state law against discrimination with enforcement of the federal Equal Credit Opportunity Act, Pub. L. 93-495, as amended ((Pub. L. 94-239, 15 USC § 1691 et seq.)), and Regulation B Equal Credit Opportunity 12 CFR 202, to the maximum extent possible without diminishing the impact of the state law where the ((two)) statutes differ. ((Most persons will be covered by both statutes. However, the coverage of the federal statute is broader than the state statute.)) Federal law alters, affects or preempts only those regulations contained in this chapter which are inconsistent with federal law, and then only to the extent of the inconsistency. ((The regulations contained in this chapter are not inconsistent with fed-~~

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eral law if the creditor can comply with such regulations without violating federal law.)

(2) Differences between state and federal regulations. ((The following sections should be closely reviewed, in that these sections contain provisions unique to the state regulation or are different due to the effect of Washington state community property law, chapter 26.16 RCW: WAC 162-40-031; 162-40-041 (5), (7), (12), (18), (20), (21), (22); 162-40-071; 162-40-081; 162-40-101; 162-40-111; 162-40-131 (2)(c), (4)(a), (5)(c), (6); 162-40-161; 162-40-171(5); 162-40-191; 162-40-201; 162-40-231; 162-40-241(2); 162-40-251.

(3) Informal advice. In addition to following the procedures outlined in WAC 162-40-030, persons may seek informal advice from the commission's staff on the differences between the state and federal regulations. Such inquiries should be directed to the commission's credit review officer.) The state of Washington is a community property state; therefore, regulations governing community property may define the differences between the federal and state regulations.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-041 ((202.2)) Definitions. For purposes of this regulation, unless the context indicates otherwise, the following definitions ((and rules of construction shall)) apply:

(1) "Account" means an extension of credit. When employed in relation to an account, the word "use" refers only to open end credit.

(2) "Adverse action."

(a) ((For the purposes of notification of action taken, statement of reasons for denial, and record retention,)) The term means:

(i) A refusal to grant credit in substantially the amount or on substantially the terms requested ((by)) in an (applicant) application unless the creditor ((offers to)) makes a counter-offer (to grant credit ((other than in substantially the amount or on substantially the terms requested by the applicant)) in a different amount or on other terms) and the applicant uses or expressly accepts the credit offered; ((or))

(ii) A termination of an account or an unfavorable change in the terms of an account that does not affect all or a substantial portion of a ((classification)) class of a creditor's accounts; or

(iii) A refusal to increase the amount of credit available to an applicant ((when the applicant requests an increase)) who has made an application for an increase in accordance with procedures established by the creditor ((for the type of credit involved)).

(b) The term does not include:

(i) A change in the terms of an account expressly agreed to by an applicant; ((or))

(ii) Any action or forbearance relating to an account taken in connection with inactivity, default, or delinquency as to that account; ((or))

(iii) A refusal ((to extend credit at a point of sale or loan in connection with the use of an account because the credit

requested would exceed a previously established credit limit on the account;)) or failure to authorize an account transaction at a point of sale or loan, except when the refusal is a termination or an unfavorable change in the terms of an account that does not affect all or a substantial portion of a class of the creditor's accounts, or when the refusal is a denial of an application for an increase in the amount of credit available under the account;

(iv) A refusal to extend credit because applicable law prohibits the creditor from extending the credit requested; or

(v) A refusal to extend credit because the creditor does not offer the type of credit or credit plan requested.

(3) "Applicant" means any person who requests or who has received an extension of credit from a creditor, and includes any person who is or may be contractually liable regarding an extension of credit other than a guarantor, surety, endorser, or similar party.

(4) "Application" means an oral or written request for an extension of credit that is made in accordance with procedures established by a creditor for the type of credit requested. The term does not include the use of an account or line of credit to obtain an amount of credit that ((does not exceed)) is within a previously established credit limit. A "completed application ((for credit))" means an application in connection with which a creditor has received all the information that the creditor regularly obtains and considers in evaluating applications for the amount and type of credit requested (including, but not limited to, credit reports, any additional information requested from the applicant, and any approvals or reports by governmental agencies or other persons that are necessary to guarantee, insure, or provide security for the credit or collateral)((; provided, however, that the creditor has exercised)). The creditor shall exercise reasonable diligence in obtaining such information. ((Where an application is incomplete respecting matters that the applicant can complete, a creditor shall make a reasonable effort to notify the applicant of the incompleteness and shall allow the applicant a reasonable opportunity to complete the application.))

(5) "Community property" means community property ((under the law of the state of Washington. RCW 26.16.030.† See companion definition of separate property, infra)) as defined in RCW 26.16.030 Community property defined—Management and control.

(6) "Consumer credit" means credit extended to a ((natural)) person ((in which the money, property or service that is the subject of the transaction is)) primarily for personal, family, or household purposes.

(7) "Consumer reporting agency" means any person which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purposes of furnishing reports on consumers to third parties. ((For purposes of this regulation this definition shall not include creditors who report only their own transactions or experiences between the consumer and the person making the report.))

(8) "Contractually liable" means expressly obligated to repay all debts arising on an account by reason of an agreement to that effect.

(9) "Credit" means the right granted by a creditor to an applicant to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(10) "Credit card" means any card, plate, coupon book, or other single credit device (~~(existing for the purpose of being)~~) that may be used from time to time (upon presentation) to obtain money, property, or services on credit.

(11) "Creditor" means a person who, in the ordinary course of business, regularly participates in the decision of whether or not to extend credit. The term includes ~~((an)) the creditor's assignee, transferee, or subrogee (of an original creditor) who so participates (but an assignee, transferee, subrogee, or other creditor is not a creditor regarding any violation of chapter 49.60 RCW or this chapter committed by the original or another creditor unless the assignee, transferee, subrogee, or other creditor knew or had reasonable notice of the act, policy, or practice that constituted the violation before its involvement with)).~~ The term also includes a person who, in the ordinary course of business, regularly refers applicants or prospective applicants to creditors, or selects or offers to select creditors to whom requests for credit may be made. A person is not a creditor regarding any violation committed by another creditor unless the person knew or had reasonable notice of the act, policy, or practice that constituted a violation before becoming involved in the credit transaction. The term does not include a person whose only participation in a credit transaction is to honor a credit card.

(12) "Credit transaction" is defined in RCW 49.60.040. ~~((Consistent with Regulation B, "credit transaction" may also mean every aspect of an applicant's dealings with a creditor regarding an application for, or an existing extension of, credit including, but not limited to, information requirements; investigation procedures; standards of creditworthiness; terms of credit; furnishing of credit information; revocation, alteration, or termination of credit; and collection procedures.))~~

(13) "Extend credit and extension of credit" mean the granting of credit in any form ~~((and include, but are)), including, but not limited to, credit granted in addition to any existing credit or credit limit; credit granted pursuant to an open end credit plan; the refinancing or other renewal of credit, including the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the consolidation of two or more obligations; or the continuance of existing credit without any special effort to collect at or after maturity.~~

(14) "Good faith" means honesty in fact in the conduct or transaction.

(15) "Inadvertent error" means a mechanical, electronic, or clerical error that a creditor demonstrates was not intentional and occurred notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(16) "Marital status" ~~((means the state of being unmarried, married, or separated, as defined by applicable state law. For the purposes of this regulation, the term "unmarried"~~

~~includes persons who are single, divorced, or widowed)) is defined in RCW 49.60.040(7).~~

(17) "Open end credit" means credit extended ~~((pursuant to))~~ under a plan (under) in which a creditor may permit an applicant to make purchases or obtain loans from time to time directly from the creditor or indirectly by use of a credit card, check, or other device ~~((as the plan may provide)).~~ The term does not include negotiated advances under an open end real estate mortgage or letter of credit.

(18) "Person" is defined in RCW 49.60.040. ~~((Consistent with Regulation B, "person" may also mean a natural person, corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.))~~

(19) ~~((("Prohibited basis" means race, color, creed, national origin, sex and marital status.~~

(20)) "Separate property" is defined in RCW 26.16.010 and 26.16.020. ~~((~~

Notes:

~~RCW 26.16.030. Community property defined—Management and control. Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:~~

(1) Neither spouse shall devise or bequeath by will more than one half of the community property.

(2) Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other. *Provided*, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse. (1972 ex.s. c 108 § 3; Code 1881 § 2409; RRS § 6892.)

~~RCW 49.60.040:—"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or~~

charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

³RCW 49.60.040: "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

⁴RCW 26.16.010. Separate property of husband. Property and pecuniary rights owned by the husband before marriage and that acquired by him afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof, shall not be subject to the debts or contracts of his wife, and he may manage, lease, sell, convey, encumber or devise by will such property without the wife joining in such management, alienation or encumbrance, as fully and to the same effect as though he were unmarried.

RCW 26.16.020 Separate property of wife. The property and pecuniary rights of every married woman at the time of her marriage or afterwards acquired by gift, devise or inheritance, with the rents, issues and profits thereof, shall not be subject to the debts or contracts of her husband, and she may manage, lease, sell, convey, encumber or devise by will such property to the same extent and in the same manner that her husband can, property belonging to him:))

NEW SECTION

WAC 162-40-055 Rules concerning applications. Rules concerning applications comply with Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.5, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

NEW SECTION

WAC 162-40-065 Rules concerning evaluation of applications. Rules concerning evaluation of applications comply with Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.6, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

NEW SECTION

WAC 162-40-075 Rules concerning extensions of credit. Rules concerning extensions of credit comply with Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.7, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-171 ((202.9)) Notifications. ((1) Notification of action taken. A creditor shall notify an applicant of action taken within:

(a) 30 days after receiving a completed application concerning the creditor's approval of, or adverse action regarding, the application (notification of approval may be express or by implication, where, for example, the applicant receives a credit card, money, property, or services in accordance with the application);

(b) 30 days after taking adverse action on an uncompleted application;

(c) 30 days after taking adverse action regarding an existing account; and

(d) 90 days after the creditor has notified the applicant of an offer to grant credit other than in substantially the amount or on substantially the terms requested by the applicant if the applicant during those 90 days has not expressly accepted or used the credit card.

(2) Content of notification. Any notification given to an applicant against whom adverse action is taken shall be in writing and shall contain: A statement of the action taken; a statement that the Washington state human rights commission administers compliance with the Washington state law against discrimination; and

(a) A statement of specific reasons for the action taken;

or
(b) A disclosure of the applicant's right to a statement of reasons within 30 days after receipt by the creditor of a request made within 60 days of such notification, the disclosure to include the name, address, and telephone number of the person or office from which the statement of reasons can be obtained. If the creditor chooses to provide the statement of reasons orally, the notification shall also include a disclosure of the applicant's right to have any oral statement of reasons confirmed in writing within 30 days after a written request for confirmation is received by the creditor.

(3) Multiple applicants. If there is more than one applicant, the notification need only be given to one of them, but must be given to the primary applicant where one is readily apparent.

(4) Multiple creditors. If a transaction involves more than one creditor and the applicant expressly accepts or uses the credit offered, this section does not require notification of adverse action by any creditor. If a transaction involves more than one creditor and either no credit is offered or the applicant does not expressly accept or use any credit offered, then each creditor taking adverse action must comply with this section. The required notification may be provided indirectly

through a third party which may be one of the creditors, provided that the identity of each creditor taking adverse action is disclosed. Whenever the notification is to be provided through a third party, a creditor shall not be liable for any act or omission of the third party that constitutes a violation of this section if the creditor accurately and in a timely manner provided the third party with the information necessary for the notification and was maintaining procedures reasonably adapted to avoid any such violation.

(5) Form of notice and statement of specific reasons.

(a) A creditor satisfies the requirements of subsection (2) above if it provides the following notice or one substantially similar:

"Washington state law against discrimination prohibits discrimination in credit transactions because of race, creed, color, national origin, sex or marital status. The Washington state human rights commission administers compliance with this law."

The above notice may be combined with or follow the notice required by 12 C.F.R. §202.9.

(b) Statement of specific reasons. A statement of reasons for adverse action shall be sufficient if it is specific and indicates the principal reason(s) for the adverse action. A creditor may formulate its own statement of reasons in checklist or letter form or may use all or a portion of the sample form printed below, which, if properly completed, satisfies the requirements of subsection (2)(a). Statements that the adverse action was based on the creditor's internal standards or policies or that the applicant failed to achieve the qualifying score on the creditor's credit scoring system are insufficient.

STATEMENT OF CREDIT DENIAL, TERMINATION, OR CHANGE

Date

Applicant's name:

Applicant's address:

Description of account, transaction, or requested credit:

Description of adverse action taken:

PRINCIPAL REASON(S) FOR ADVERSE ACTION CONCERNING CREDIT

- Credit application incomplete
..... Insufficient credit references
..... Unable to verify credit references
..... Temporary or irregular employment
..... Unable to verify employment
..... Length of employment
..... Insufficient income
..... Excessive obligations
..... Unable to verify income
..... Inadequate collateral
..... Too short a period of residence
..... Temporary residence

- Unable to verify residence
..... No credit file
..... Insufficient credit file
..... Delinquent credit obligations
..... Garnishment, attachment, foreclosure, repossession, or suit
..... Bankruptcy
..... We do not grant credit to any applicant on the terms and conditions you request.
..... Other, specify:

DISCLOSURE OF USE OF INFORMATION OBTAINED FROM AN OUTSIDE SOURCE

- Disclosure inapplicable
..... Information obtained in a report from a consumer reporting agency.

Name:

Street address:

Telephone number:

..... Information obtained from an outside source other than a consumer reporting agency.

Under the Fair Credit Reporting Act, you have the right to make a written request, within 60 days of receipt of this notice, for disclosure of the nature of the adverse information.

Creditor's name:

Creditor's address:

Creditor's telephone number:

(6) Other information. The notification required by subsection (1) may include other information so long as it does not detract from the required content. This notification may also be combined with any disclosures required under any other law, provided that all requirements for clarity and placement are satisfied; and it may appear on either or both sides of the paper if there is a clear reference on the front to any information on the back.

(7) Oral notifications. The applicable requirements of this section are satisfied by oral notifications (including statements of specific reasons) in the case of any creditor that did not receive more than 150 applications during the calendar year immediately preceding the calendar year in which the notification of adverse action is to be given to a particular applicant.

(8) Withdrawn applications. Where an applicant submits an application and the parties contemplate that the applicant will inquire about its status, if the creditor approves the application and the applicant has not inquired within 30 days after applying, then the creditor may treat the application as withdrawn and need not comply with subsection (1).

(9) Failure of compliance. A failure to comply with this section shall not constitute a violation when caused by an inadvertent error; provided that, on discovering the error, the creditor corrects it as soon as possible and commences compliance with the requirements of this section.

(10) Notification. A creditor notifies an applicant when a writing addressed to the applicant is delivered or mailed to the applicant's last known address or, in the case of an oral notification, when the creditor communicates with the applicant.) Rules concerning notifications comply with Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.9, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-181 (~~((202,10))~~) **Furnishing of credit information.** (~~((1) Accounts established on or after June 1, 1977.~~

(a) For every account established on or after June 1, 1977, a creditor that furnishes credit information shall:

(i) Determine whether an account offered by the creditor is one that an applicant's spouse is permitted to use or upon which the spouses are contractually liable other than as guarantors, sureties, endorsers, or similar parties; and

(ii) Designate any such account to reflect the fact of participation of both spouses.

(b) Except as provided in subsection (3), if a creditor furnishes credit information concerning an account designated under this section (or designated prior to the effective date of this regulation) to a consumer reporting agency, it shall furnish the information in a manner that will enable the agency to provide access to the information in the name of each spouse.

(c) If a creditor furnishes credit information concerning an account designated under this section (or designated prior to the effective date of this regulation) in response to an inquiry regarding a particular applicant, it shall furnish the information in the name of the spouse about whom such information is requested.

(2) Accounts established prior to June 1, 1977. For every account established prior to and in existence on June 1, 1977, a creditor that furnishes credit information shall either:

(a) Not later than June 1, 1977

(i) Determine whether the account is one that an applicant's spouse, if any, is permitted to use or upon which the spouses are contractually liable other than as guarantors, sureties, endorsers, or similar parties;

(ii) Designate any such account to reflect the fact of participation of both spouses; and

(iii) Comply with the reporting requirements of subsections (1)(b) and (1)(c); or

(b) Mail or deliver to all account holders or all married account holders in whose name the account is carried the notice required by 12 C.F.R. §202.10(b)(2).

(3) Requests to change manner in which information is reported. Within 90 days after receipt of a properly completed request to change the manner in which information is reported to consumer reporting agencies and others regarding an account described in subsection (2), a creditor shall designate the account to reflect the fact of participation of both spouses. When furnishing information concerning any such account, the creditor shall comply with the reporting require-

ments of subsection (1)(b) and (1)(c). The signature of an applicant or the applicant's spouse on a request to change the manner in which information concerning an account is furnished shall not alter the legal liability of either spouse upon the account or require the creditor to change the name in which the account is carried.

(4) Inadvertent errors. A failure to comply with this section shall not constitute a violation when caused by an inadvertent error; provided that, on discovering the error, the creditor corrects it as soon as possible and commences compliance with the requirements of this section.) Rules concerning furnishing of Credit Information comply with Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.10, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-191 General rule. A consumer reporting agency shall not report to a creditor any information relating to an applicant's race, creed, color, national origin ((~~or~~)), sex, or the presence of any sensory, mental, or physical disability or that the applicant uses a trained dog guide or service animal because of a disability.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-201 Rules concerning credit files. (1) Establishing credit files. A consumer reporting agency shall not refuse to establish a credit file for any person in any name under which an applicant may open or maintain an account ((pursuant to WAC 162-40-140)). This file may be referenced with the file of the applicant's spouse.

(2) Name on credit report. A consumer reporting agency shall issue credit reports in the name in which the request for the report was received. A credit report may include the name of the spouse or former spouse, if available.

(3) Public record information. If a consumer reporting agency places public record information in credit files and such information contains the names of both spouses, such information shall be referenced so that it is accessible in the name of each spouse.

(a) If a consumer reporting agency places public record information concerning a decree of separation or dissolution of marriage in credit files, it shall place such information in the individual credit file of each spouse.

(4) Community credit files. A consumer reporting agency may reference the credit files of married persons by listing in a spouse's file that the information is contained in the other spouse's file, provided the information is accessible by use of each spouse's name.

(5) Transfer of joint account information. A consumer reporting agency shall, upon request, transfer information from joint credit files to an individual credit file regardless of the name in which the information was originally reported.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-211 (~~((202.12))~~) **Record retention.** (~~((1))~~) ~~Retention of prohibited information. Retention in a creditor's files of any information, the use of which is prohibited by these regulations, shall not constitute a violation of these regulations where such information was obtained:~~

- ~~(a) From any source prior to June 1, 1976;~~
- ~~(b) At any time from consumer reporting agencies; and;~~
- ~~(c) At any time from an applicant or others without the specific request of the creditor; or~~
- ~~(d) At any time as required to monitor compliance with this statute, or other federal or state statute or regulation.~~

(2) Preservation of records:

~~(a) For 25 months after the date that a creditor notifies an applicant of action taken on an application, the creditor shall retain as to that application in original form or a copy thereof:~~

~~(i) Any application form that it receives, any information required to be obtained concerning characteristics of an applicant to monitor compliance with any other written or recorded information used in evaluating the application and not returned to the applicant at the applicant's request;~~

~~(ii) A copy of the following documents if furnished to the applicant in written form (or, if furnished orally, any notation or memorandum with respect thereto made by the creditor):~~

- ~~(A) The notification of action taken; and~~
- ~~(B) The statement of specific reasons for adverse action;~~

and

~~(iii) Any written statement submitted by the applicant alleging a violation of this regulation.~~

~~(b) For 25 months after the date that a creditor notifies an applicant of adverse action regarding an account, other than in connection with an application, the creditor shall retain as to that account, in original form or a copy thereof:~~

~~(i) Any written or recorded information concerning such adverse action; and~~

~~(ii) Any written statement submitted by the applicant alleging a violation of this regulation.~~

~~(c) In addition to the requirements of subsections (a) and (b), any creditor that has actual notice that a complaint has been filed against it under chapter 49.60 RCW and these regulations shall retain the information required in subsections (a) and (b) until notified of final disposition of the matter by the Washington state human rights commission.~~

~~(d) In any transaction involving more than one creditor, any creditor not required to comply with WAC 162-40-180 (notifications) shall retain for the time period specified in subsection (2) all written or recorded information in its possession concerning the applicant, including a notation of action taken in connection with any adverse action.~~

~~(3) Failure of compliance. A failure to comply with this section shall not constitute a violation when caused by an inadvertent error.)~~ Rules concerning record retention conform to Regulation B Equal Credit Opportunity 12 CFR 202, Section 202.12, except where community property law is governed by the state of Washington at chapter 26.16 RCW, Husband and wife—Rights and liabilities—Community property.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-221 **Rules of construction.** (~~((1))~~) Any violation of the provisions of this chapter shall constitute an unfair practice within the meaning of RCW 49.60.175, 49.60.176, and/or 49.60.222(~~((9))~~) (1)(j).

~~((2) Captions, catchlines and parenthetical references to Regulation B, 12 C.F.R. pt. 202 are intended solely as aids to convenient reference, and no inference as to the substance of any provision of these regulations may be drawn from them.)~~

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-231 (~~((202.8))~~) **Exemption for special purpose credit program.** Any credit program that qualifies as a special purpose credit program under the provisions of 12 C.F.R. §202.8 is exempt from ~~((the operation of))~~ these regulations to the extent these regulations are inconsistent with the provisions of 12 C.F.R. §202.8.

AMENDATORY SECTION (Amending Order 34, filed 6/30/77)

WAC 162-40-251 **Remedies.** ~~((A hearing tribunal))~~ An administrative law judge may order, or the commission's staff may propose upon a finding of reasonable cause to believe a violation of chapter 49.60 RCW has occurred, or in prefinding settlement efforts, remedies, including but not limited to:

(1) Requiring the creditor to establish in writing nondiscriminatory criteria for the granting of credit.

(2) Requiring the creditor or consumer reporting agency to conduct training sessions of its employees and agents in order to insure that ~~((discriminatory practices cease))~~ the employees and agents are aware of their responsibilities and liabilities under the Washington state law against discrimination RCW 49.60.240, 49.60.250, and 49.60.225 and Regulation B of the Equal Credit Opportunity Act, Section 202.14.

(3) Requiring the creditor to pay actual or special damages to aggrieved parties.

(4) Requiring the creditor to submit to the commission proof that it has ceased said discriminatory practices and implemented a policy of nondiscrimination.

(5) Requiring that the creditor conduct remedial advertising.

(6) Requiring the creditor to offer credit to the aggrieved parties.

(7) Requiring the creditor or consumer reporting agency to revise the structure and content of its files to eliminate discrimination and to remove all references to the complaint from the complainant's file.

(8) Requiring the posting of a notice in view of applicants for credit stating that it is an unfair practice for any person furnishing credit to deny or terminate such credit or to adversely affect an individual's credit standing because of such individual's race, creed, color, sex, national origin, or marital status.

(9) Requiring the distribution of these regulations to each of its employees and agents who determine, influence, or effectuate the creditor's policies and practices.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 162-40-031 (202.1(d)) Commission review of forms, practices and procedures.
- WAC 162-40-051 (202.4) General rule prohibiting discrimination.
- WAC 162-40-061 (202.5(a)) Discouraging applications.
- WAC 162-40-071 (202.5(b)(1)) General rule concerning requests for information.
- WAC 162-40-081 (202.5(b)) Request for designation of membership in certain protected classes.
- WAC 162-40-091 (202.5(d)) Other information a creditor may not request.
- WAC 162-40-101 (202.5(c)) Information about a spouse or former spouse.
- WAC 162-40-111 (202.5(e)) Application forms: Special state requirements.
- WAC 162-40-121 (202.6(a)) General rule concerning use of information.
- WAC 162-40-131 (202.6(b)) Specific rules concerning use of information.
- WAC 162-40-141 (202.7(a), (b)) Opening accounts.
- WAC 162-40-151 (202.7(c)) Action concerning existing open end accounts.
- WAC 162-40-161 (202.7(d)) Signature of spouse or other person.
- WAC 162-40-241 (202.3) Special treatment for certain classes of transactions.

erection and maintenance of motorist information signs and to clarify provisions of other existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 468-70-010, 468-70-020, 468-70-030, 468-70-040, 468-70-050, 468-70-060, 468-70-070, 468-70-080, and 468-70-085.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.42.060.

Adopted under notice filed as WSR 99-23-011 on November 5, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 21, 1999

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-70-010 General. (1) These rules and regulations implement, and are prescribed by, (~~chapter 80, Laws of 1974 ex. sess. (43rd Leg., 3rd ex. sess.) and~~) chapter (~~(47.42)~~) 47.36 RCW.

(2) The regulations provide for the installation of motorist information signs which will inform the motoring public of tourist services conveniently accessible from interstate(~~;~~ primary) and (~~scenic~~) noninterstate highways within the state.

AMENDATORY SECTION (Amending Order 103, filed 3/25/86)

WAC 468-70-020 Definitions. (~~((+))~~) When used in these regulations the term(~~(s)~~): (~~(Sign, business sign, commercial and industrial areas, commission, interstate system, primary system, scenic system, and specific information panel shall have the same meaning as set forth in the act.~~

(2) When used in these regulations the term:

(a) "Act" shall mean the Highway Advertising Control Act of 1961 as amended by chapter 80, Laws of 1974 ex. sess. (43rd Leg., 3rd ex. sess.) and chapter 47.42 RCW.

(b)) (1) "Conventional road" shall mean a (~~(primary or scenic)~~) noninterstate highway which is not an expressway or freeway.

WSR 00-01-184

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 196—Filed December 22, 1999, 9:59 a.m.]

Date of Adoption: December 21, 1999.

Purpose: Implements provisions of HB 1322, chapter 201, Laws of 1999, establishing fees to recover costs for the

PERMANENT

~~((e))~~ (2) "Department" shall mean the Washington state department of transportation.

~~((d))~~ (3) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

~~((e))~~ (4) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

~~((f))~~ (5) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

(6) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation and ~~(or related)~~ tourist-oriented services.

~~((g))~~ (7) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

~~((h))~~ (8) "Supplemental directional panel" shall mean a motorist ~~(informational)~~ information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

~~((i))~~ (9) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

~~((j))~~ (10) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

~~((k))~~ (11) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

~~((h))~~ (12) "Tourist-oriented directional (TOD) sign" means a sign on a ~~(specific)~~ motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

AMENDATORY SECTION (Amending Order 129, filed 8/13/91, effective 9/13/91)

WAC 468-70-030 Location of panels and signs. (1) ~~(Specific)~~ A maximum of four motorist information sign panels (with), one per each type of motorist service activity, may be provided on interchange approaches and in advance of intersections. Where a qualified type of motorist service activity is not present, a panel will not be erected. Generally, these panels should be located near the right of way line and readable from the main traveled way. (Normally,) The panels will be erected as follows:

(a) For freeways and interchanges on expressways the panels shall be erected between the previous interchange and at least eight hundred feet in advance of the exit direction sign at the interchange from which the services are available. There shall be at least eight hundred feet spacing between the

panels, and there will be one panel each for gas, food, lodging, (and) camping/recreation, and TOD, except as provided in (c) of this subsection.

(b) For conventional roads the panels shall be erected between the previous intersection and at least three hundred feet in advance of the intersection from which the services are available, signing should not be provided to any service visible at least three hundred feet along the mainline prior to the intersection or driveway approach serving the business. There will be one panel each for gas, food, lodging, (and) camping/recreation, and TOD except as provided in (c) of this subsection.

(c) ~~(At remote rural interchanges and on conventional road intersections, not more than two types of business activities may be combined on one panel. No more than two logos per activity may be displayed. Ramp panels to direct motorists to the right or to the left may display more than one type of business activity. No other mixed panels may be used.)~~ A combined panel may be installed where there is a limited number of qualifying motorist service activities, or insufficient space available to install the array of gas, food, lodging, camping/recreation, and TOD's panels as set forth in WAC 468-70-040(2). Not more than two types of motorist service activities may be combined on one mainline back panel; however, supplemental directional panels located along interchange ramps to direct motorists to the right or to the left may display more than two types of motorist service activities. The permissible number of business signs that may be displayed per type of motorist service activity shall be as set forth in WAC 468-70-060 (3)(a).

(2) Information for ~~(specific)~~ motorist information sign panels on the mainline of expressways/freeways will be repeated on the supplemental directional panels located along the interchange ramp, or at the ramp terminal, where the services are not visible from the ramp. Supplemental directional panels may be used only to repeat messages installed on the mainline.

(3) ~~(One tourist-oriented directional (TOD) sign panel may be placed in advance of the gas, food, lodging, and camping/recreation specific information panels. Spacing shall be the same as for the specific information panels. For interchanges supplemental TOD sign assemblies will be repeated along the ramps or at ramp terminals where the activities are not visible from the ramp. TOD sign panels are not allowed in lieu of the gas, food, lodging, and camping/recreation specific information panels, or along interstate highways.~~

(4) The spacing between motorist information sign panels, and between motorist information sign panels and other official traffic control signs shall be in accordance with the *Manual on Uniform Traffic Control Devices*. Where there is insufficient spacing for both other official traffic control signs and ~~(specific)~~ motorist information ~~(TOD)~~ sign panels, the other official traffic control signs only shall be installed.

AMENDATORY SECTION (Amending Order 103, filed 3/25/86)

WAC 468-70-040 Interchange and intersection selection for ~~((specific))~~ motorist information sign panels. (1) On an ~~interstate~~~~((primary))~~ or ~~((scenic))~~ noninterstate highway the interchange or intersection must:

(a) For interchanges, consist of both an exit and entrance ramp ~~((Provided, That))~~. However, where ~~((an))~~ there is no entrance ramp ~~((is not present an interchange will qualify if an))~~, the department may determine that another entrance ramp may qualify for motorist information sign panels, provided that it is ~~((reasonably and))~~ conveniently located, ~~((in the determination of the department, so as))~~ to permit a motorist to proceed without ~~((undue indirection or use of))~~ the use of indirect or poor connecting roads.

(b) For intersections, provide a reasonable and convenient route, in the determination of the department, ~~((so as))~~ to permit a motorist to proceed without ~~((undue indirection or use of))~~ the use of indirect or poor connecting roads.

(2) ~~((Specific))~~ Motorist information ~~((and TOD (allowed on noninterstate highways only))~~) sign panels may be erected at locations outside the corporate limits of cities and towns and areas zoned for commercial and industrial uses, and at locations within the corporate limits of cities and towns and areas zoned for commercial and industrial uses, where there is sufficient distance between interchanges or intersections to erect the signs in accordance with WAC 468-70-030 (1)(a) and (b). Where there is insufficient space available to install ~~((the))~~ an array of four of the gas, food, lodging, camping/recreation and TOD's panels, the number of panels allowable are normally provided in that order of priority, or as combined panels in accordance with WAC 468-70-030 (1)(c), except that ~~((district))~~ regional administrators may negotiate a revised priority at interchange/intersection locations with local officials. If there is no business interest in signing for any one activity at a location, and space allows, the next lower priority activity can be signed.

(3) Signing will be provided from the nearest interchange or intersection from the nearest freeway/expressway or ~~((from a))~~ conventional highway to the activity. Signing will not be provided from a freeway or expressway to another freeway or expressway.

AMENDATORY SECTION (Amending Order 129, filed 8/13/91, effective 9/13/91)

WAC 468-70-050 Business eligibility. (1) To be eligible for placement of a business sign on a ~~((specific))~~ motorist information sign panel a motorist service activity must conform to the following standards:

(a) Gas activity:

(i) Provide vehicle services including fuel, oil, tire repair and water; and

(ii) Be in continuous operation at least sixteen hours a day, seven days a week; and

(iii) Provide restroom facilities, drinking water and a telephone access;

(iv) ~~((Specific))~~ Motorist information sign panels may be installed and existing signing will not be removed when the

motorist service ~~((facility))~~ activity is closed for a short period of time or when its hours of operation have been reduced as a result of a shortage of gasoline;

(v) ~~((Facilities))~~ Activities not meeting the tire repair requirement of (i) of this subsection but have gas, oil, and water may qualify for signing provided that the ~~((specific))~~ motorist information sign panel displays fewer than the full complement of business signs. A telephone must also be available at no cost for a person to use to acquire tire repair;

(vi) Business signs for card-lock gas activities may be installed, provided that the activities serve the general motorist public, without membership, and accept a variety of credit cards available to the general public. Card-lock gas activities must also meet the applicable requirements of (a)(i) through (v) of this subsection.

(b) Food activity:

(i) Be licensed or approved by the county health office; and

(ii) Be in continuous operation for a minimum of twelve hours a day to serve ~~((three))~~ meals ~~((a day, breakfast, lunch, and dinner seven))~~ six days a week; and

(iii) Have ~~((seats))~~ inside seating for a minimum of twenty patrons and parking facilities for a minimum of ten vehicles; and

(iv) Provide telephone and restroom facilities.

(c) Lodging activity:

(i) Be licensed or approved by the Washington department of ~~((social and))~~ health ~~((services))~~; and

(ii) Provide adequate sleeping and bathroom accommodations available without reservations for rental on a daily basis; and

(iii) Provide public telephone facilities.

(d) Camping activity (applicable only for activities ~~((an fully controlled limited access))~~ available from interstate highways):

(i) ~~((Be licensed or approved by the Washington department of social and health services or county health office))~~ Have a valid business license;

(ii) Consist of at least twenty camping spaces, at least fifty percent of which will accommodate tents, and have adequate parking, modern sanitary and drinking water facilities for such spaces; and

(iii) Have an attendant on duty to manage and maintain the facility twenty-four hours a day while in operation.

(e) Recreation activity (applicable only for ~~((activity on scenic system or primary system))~~ activities available from noninterstate highways ~~((with partial access control or no access control))~~):

(i) Consist of activities and sports of interest to family groups and the public generally in which people participate for purposes of active physical exercise, collective amusement or enjoyment of nature; e.g., hiking, golfing, skiing, boating, swimming, picnicking, camping, fishing, tennis, horseback riding, ice skating and gun clubs; and

(ii) Be licensed or approved by the state or local agency regulating the particular type of business; and

(iii) When the recreational activity is a campground, it must meet the criteria specified in WAC 468-70-050 (1)(d)(i) thru (iii).

(f) Tourist-oriented business activity ~~((not applicable for activities on interstate highways))~~:

(i) A natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business seasons from motorists not residing in the immediate area of the activity.

(ii) Activities must be open to the motoring public without appointment, at least eight hours a day, five days a week including Saturday and/or Sunday.

(2) Distances prescribed herein will be measured from the center of the interchange or intersection along the centerline of the most direct public road to the facility access.

(3) The maximum distance that **gas, food, lodging, camping** ~~((or)), recreational, or tourist-oriented~~ activities can be located on either side of an interchange or intersection to qualify for a business sign shall be as follows:

(a) From an ~~((interchange on a fully controlled limited access))~~ interstate highway, **gas, food and lodging** activities shall be located within three miles in either direction. **Camping or tourist-oriented** activities shall be located within five miles in either direction;

(b) From ~~((an interchange or intersection on))~~ a noninterstate highway ~~((with partial access control or no access control))~~, **gas, food, lodging, ((or camping)) recreation, or tourist-oriented** activities shall be located within five miles in either direction.

(c) Where there are fewer than the maximum number, as specified in WAC 468-70-060 (3)(a), of eligible services within the distance limits prescribed in subsection (3)(a) and (b) of this section, the distance limits may be increased ~~((in three mile increments))~~ up to a maximum of fifteen miles to complete the balance of allowable signs.

~~((d)) From an interchange or intersection on a highway with partial access control or no access control, recreational activities shall be located within ten miles in either direction. If within such ten mile limit there are fewer than the maximum number, as specified in WAC 468-70-060, of recreational activities available, then activities of such type located within a fifteen mile limit shall qualify.~~

~~(e) Qualified tourist-oriented business must be located within fifteen miles of the state highway.~~

~~(f) Specific information panels or tourist-oriented directional panels will not be provided until the required supplemental panels, if needed, are installed by local agencies.~~

~~(g)) (i) In reference to WAC 468-70-040(3), the department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible activity.~~

~~(ii) The department may erect and maintain signs on a route up to a maximum of twenty miles if an activity qualifies as eligible and is located within a distressed area under the criteria set forth in chapter 43.165 RCW.~~

(4) Within cities and towns having a population greater than ~~((fifteen thousand))~~ **twenty-two thousand five hundred**, the department ~~((of transportation))~~ shall obtain concurrence from the municipality of locations for installing panels, and may ~~((have))~~ **request that** the municipality install the panels.

~~((4))~~ (5) **A gas, food, lodging, camping/recreational, or tourist-oriented** activity visible from the mainline at least three hundred feet prior to an intersection shall not qualify for a business sign on such highway. The activity's on-premise sign is considered part of that activity in determining the three hundred foot visibility.

~~((5) To be eligible for business sign placement on supplemental direction panel the activity must be eligible for specific information panel placement.)~~

(6) When a multiple business activity qualifies for business sign placement on more than one type of ~~((specific))~~ **motorist** information sign panel, placement will be made on that type of panel which, as determined by the department, best describes the main product or service. Additional business signs for a qualifying multiple business activity may only be placed on more than one type of ~~((specific))~~ **motorist** information sign panel where the applicable panels display fewer than a full complement of business signs. Where these additional business signs complete the full complement of business signs on a ~~((specific))~~ **motorist** information sign panel, the most recently installed of such additional business signs shall be substituted for in the event that a qualifying single business activity applies to receive business signs.

(7) ~~((Specific))~~ **Motorist** information sign panels will not be erected and maintained by the department until adequate follow-through signing, as specified by the department, is erected on local roads and/or streets. Written assurance that the follow-through signs will be maintained is required.

(8) Where operations are seasonal, business signs for each specific location shall be removed or covered during the appropriate period as determined by the department.

AMENDATORY SECTION (Amending Order 129, filed 8/13/91, effective 9/13/91)

WAC 468-70-060 Signing details. (1) Specifications. All ~~((specific))~~ **motorist** information sign panels, supplemental directional panels, and business signs shall be constructed in accordance with the Washington state standard specifications, standard plans and amendments thereto. All business signs shall be constructed of a single piece of 0.063 inch thick aluminum. All panels and business signs shall be fully reflectorized to show the same shape and color both by day and night.

(2) Color of panels and signs:

(a) The background color for **gas, food, lodging, camping and TOD** ~~((specific))~~ **motorist** information sign panels and supplemental directional panels shall be blue. The background color for **recreation** ~~((specific))~~ **motorist** information sign panels and supplemental directional panels shall be brown. The border and lettering on all such signs shall be white.

(b) The background color and letter color for business signs manufactured by the department shall be standard highway sign sheeting and inks which are available in white (silver), blue, black, yellow, red, orange, green, and brown. A description of business signs which the department will manufacture is provided in WAC 468-70-070 (8)(b).

(3) Composition of ~~((specific))~~ motorist information sign panels:

(a) For interchanges, the maximum number of business signs which may be displayed on a ~~((specific))~~ motorist information sign panel are six for each **gas, food, lodging, camping/recreation,** and **TOD's** panel. For intersections, each panel is limited to four business signs. For combined motorist information sign panels on the mainline, the minimum number of business signs which may be displayed is two for each type of motorist service activity. For supplemental directional panels located along interchange ramps, there is no minimum number of business signs which may be displayed for each type of motorist service activity.

(b) Sign panel fabrication layouts, and business sign sizes, are provided in the Appendices of the ~~((Seeie-Vistas Aet))~~ Motorist Information Signs Booklet published by the Washington state department of transportation.

(i) The panel size shall be sufficient to accommodate the various sizes of business signs and directional information.

(ii) For qualifying businesses located more than one mile from an intersection the business sign shall show the mileage to the business to the nearest mile. For interchanges the mileage will be shown on the supplemental directional panel business signs installed along the interchange ramp or at the ramp terminal.

AMENDATORY SECTION (Amending Order 153, filed 11/21/95, effective 1/1/96)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation ~~((district))~~ regional office in care of the ~~((district))~~ regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application~~((;))~~ forms ~~((for))~~, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW ~~((47-42-046))~~ 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) A ~~((standard))~~ nonrefundable application processing fee ~~((of one hundred dollars))~~ as prescribed in WAC 468-70-080 (1)(a) will accompany each application. Such fee ~~((will))~~ may only be ((returned if an application is denied or)) refunded if, after approval, the activity is not signed for reasons caused by the department.

(7) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

(8) Fabrication and installation of business signs:

(a) Once an application is approved, the department will request the business to provide the signs for installation. Such signs shall be built to the department's specifications prescribed by WAC 468-70-060. Prior to installation the business shall be billed and pay for the installation cost prescribed in WAC 468-70-080 (1)(b).

(b) When requested by a business, the department will manufacture business signs composed of standard solid color background with standard die cut or silk screened highway sign letters used for messages. The department does not manufacture business signs having nonstandard colors, nonstandard letters, or pictorial business symbols or trademarks. The manufacturing and installation fees for business signs manufactured by the department are prescribed in WAC 468-70-080 (2)(a) or (b), and shall be prepaid prior to manufacture and installation.

(9) Business sign ~~((annual permit;))~~ and motorist information sign panel maintenance~~((;))~~ and replacement:

(a) For a business which provides its own business signs to the department, an annual permit fee of fifty dollars shall be charged. (Effective January 1, 2001, this annual permit fee will no longer be charged by the department.)

Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. ~~((After installation the business will be billed))~~ The department will install the replacement business sign after prepayment for the installation ~~((cost))~~ fees as prescribed in WAC 468-70-080 (1)(b).

(b) For business signs manufactured ~~((and maintained))~~ by the department, ~~((an annual maintenance fee shall be paid, as prescribed in WAC 468-70-080, for each business sign))~~ the department will notify businesses when business signs need replacement because of weather wear and will manufac-

ture and install such replacement business signs after prepayment for the manufacturing and installation fees prescribed in WAC 468-70-080 (2)(a) or (b).

(c) The annual maintenance replacement fee charged to each business for motorist information sign panels is prescribed in WAC 468-70-080(3).

(d) Annual ~~(permit renewal and)~~ maintenance fees shall be paid within thirty calendar days after the anniversary of the permit issue. These fees will not be prorated for fractions of the year in the event of business sign removal or coverage. Failure to pay the annual maintenance fees within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the ~~((specific))~~ motorist information sign panels.

(10) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

(11) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that ~~((does))~~ exceeds the height requirements set forth in ~~((the act or))~~ this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the ~~((application))~~ motorist service activity must meet the requirements of any other ~~((new application))~~ applying motorist service activity.

AMENDATORY SECTION (Amending Order 106, filed 12/16/86)

WAC 468-70-080 Fee schedule. (1) The application processing fee, and installation ~~((charge))~~ fee for each business sign provided by the business to the department ~~((is eighty dollars))~~ for new installations~~((;))~~ and replacement installations because of weather ~~((worn signs;))~~ wear are:

~~((2))~~ Manufacturing and installation charge for department manufactured signs:

(a) Interstate, primary, and scenic freeways and expressways:

(i)	"GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" lettered business sign to be installed on a specific information panel	\$320.00
(ii)	"GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" lettered business sign to be installed on a supplemental directional panel	\$100.00
(b)	Primary or scenic highways that are conventional roads. "GAS, FOOD, LODGING, RECREATION, or TOD" lettered business sign to be installed on a specific information panel	\$145.00
(3)	The following schedule is the annual maintenance charge for department manufactured signs:	
(a)	Interstate, primary, and scenic freeways and expressways:	
(i)	"GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" lettered sign on a specific information panel	\$ 80.00
(ii)	"GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" lettered sign on a supplemental directional panel	\$ 25.00
(b)	Primary or scenic highways that are conventional roads. "GAS, FOOD, LODGING, RECREATION, or TOD" lettered business sign on a specific information panel	\$ 40.00))
(a)	<u>Application processing fee</u>	\$150.00
(b)	<u>Installation fee for each business sign</u>	\$115.00
(2)	<u>Manufacturing and installation charge for department manufactured business signs:</u>	
(a)	<u>Interstate and noninterstate freeways and expressways:</u>	
(i)	<u>GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD-lettered business sign to be installed on a motorist information sign panel</u>	\$230.00
(ii)	<u>GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD-lettered business sign, without mileage message, to be installed on a supplemental directional panel</u>	\$130.00
(iii)	<u>GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD-lettered business sign, with mileage message, to be installed on a supplemental directional panel</u>	\$135.00
(b)	<u>Noninterstate highways that are conventional roads:</u>	

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- (a) Application processing fee \$150.00
- (i) GAS, FOOD, LODGING, RECREATION, or TOD-lettered business sign, without mileage message, to be installed on a motorist information sign panel \$150.00
- (ii) GAS, FOOD, LODGING, RECREATION, or TOD-lettered business sign, with mileage message, to be installed on a motorist information sign panel \$160.00
- (3) The annual maintenance fee charged to each business for motorist information sign panels is:
 - (a) Businesses signed at interchanges \$100.00
 - (b) Businesses signed at intersections \$ 35.00

(4) The implementation date of WAC 468-70-080(3) is January 1, 2001.

AMENDATORY SECTION (Amending Order 106, filed 12/16/86)

WAC 468-70-085 Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987. (1) For business signs composed of non-standard colors, nonstandard letters, or pictorial symbols or trademarks which were manufactured by the department prior to January 1, 1987, the department will manufacture and install only the first maintenance replacement of these signs that is required after January 1, 1987. Up to the time of replacement, the annual maintenance fee charged for each business sign shall be:

- (a) Interstate(~~(-primary, and scenic)) and noninterstate~~ freeways and expressways.
- (i) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" pictorial business sign on a (~~(specific))~~ motorist information sign panel . \$95.00
- (ii) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" pictorial business sign on a supplemental direction panel \$30.00
- (b) (~~(Primary or scenic))~~ Noninterstate highways that are conventional roads(~~(-))~~; "GAS, FOOD, LODGING, RECREATION, or TOD" pictorial business sign on a (~~(specific))~~ motorist information sign panel \$50.00

After this one maintenance replacement by the department, the business owner will be responsible for subsequent business sign maintenance replacement and the annual (~~(permit renewal fees and))~~ motorist information sign panel fees maintenance (~~(and replacement procedures for business supplied signs,))~~ as prescribed in WAC 468-70-070(9)(~~(-will be followed))~~.

(2) Businesses utilizing business signs composed of non-standard colors, nonstandard letters, or pictorial symbols or trademarks which were manufactured by the department prior to January 1, 1987, may choose to provide their own

maintenance replacement business signs in accordance with the procedures in WAC 468-70-070(9) in lieu of the procedures described in subsection (1) of this section. The department shall notify each business of this choice by certified mail. The businesses shall be provided thirty days to respond. If no response is received, the annual maintenance fee procedure will continue; however, the business may choose, in writing at a later date, to stop paying the maintenance fee and provide their own replacement business signs. The department will not refund previously paid maintenance fees to businesses choosing the option of providing their own replacement business signs.

**WSR 00-01-186
PERMANENT RULES
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)
[Filed December 22, 1999, 10:17 a.m.]

Date of Adoption: November 19, 1999.

Purpose: Amend WAC 246-840-730 Mandatory reporting, to make this rule more clear, easier to understand and follow.

Citation of Existing Rules Affected by this Order: Amending WAC 246-840-730.

Statutory Authority for Adoption: RCW 18.79.110.

Adopted under notice filed as WSR 99-18-082 on August 31, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 19, 1999

Cheryl Payseno, RN, MPA, Chair
Nursing Care Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-730 Mandatory reporting ((defined)). (~~(The nursing commission does not intend to cause every nursing error to be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the licensed practical nurse or registered nurse.~~)

PERMANENT

FOR PRACTICAL NURSES:

(1) Any person, including health care facilities and agencies and state or local government, who is aware of a conviction or has made a determination or finding that a practical nurse has committed an act constituting unprofessional conduct as defined in RCW 18.130.180, including violation of chapter 246-840 WAC, shall report such conviction, determination or finding to the commission:

(2) Any person, including health care facilities and agencies and state or local government, who has information that a practical nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition, shall report such information to the commission:

FOR REGISTERED NURSES:

(3) Any person, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a registered nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 246-840 WAC, or failed to meet accepted standards for the level at which the registered nurse is licensed, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the commission. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards:

(4) The decision to report a suspected violation of chapter 18.130 or 18.79 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

(a) The past history of the registered nurse's performance:

(b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing:

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety:

(5) The following shall always be reported to the nursing commission:

(a) A nurse impostor. As used herein "nurse impostor" means an individual who is ineligible for registered nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice registered nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington:

(b) A person who is practicing registered nursing when the license has become void due to nonpayment of fees:

(c) A person who is practicing registered nursing as defined in chapter 18.79 RCW unless licensed as a registered nurse or practical nurse, or a person who is practicing as a nurse practitioner as defined in WAC 246-840-300 while not licensed as an advanced registered nurse practitioner:

(d) A registered nurse who has been convicted of a crime which relates to the practice of nursing:

(e) A registered nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing:

(f) Client abuse by a registered nurse:

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the commission or a single occurrence that creates serious harm or risk to the client:

(h) Any violation of a disciplinary sanction imposed on a registered nurse's license by the commission:

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired registered nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(j) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180:)) Mandatory reporting assists the nursing care quality assurance commission (nursing commission) in protecting the public health and safety through the discovery of unsafe or substandard nursing practice or conduct. These rules are intended to define the information that is to be reported and the obligation of nurses and others to report.

The nursing commission does not intend every minor nursing error to be reported or that mandatory reporting serve as a substitute for employer-based disciplinary action.

Who must make reports and what must be reported to the nursing commission?

(1) Any person, including, but not limited to, registered nurses, practical nurses, advanced registered nurse practitioners, health care facilities and governmental agencies shall always report the following, except as provided for in subsections (2) and (3) of this section:

(a) Information that a nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition:

(b) Information regarding a conviction, determination or finding, including employer-based disciplinary action, that a nurse has committed an act that would constitute unprofessional conduct, as defined in RCW 18.130.180, including violations of chapter 246-840 WAC, including, but not limited to:

(i) Conviction of any crime or plea of guilty, including crimes against persons as defined in chapter 43.830 RCW, and crimes involving the personal property of a patient, whether or not the crime relates to the practice of nursing:

(ii) Conduct which leads to dismissal from employment for cause related to unsafe nursing practice or conduct in violation of the standards of nursing:

(iii) Conduct which reasonably appears to be a contributing factor to the death of a patient:

(iv) Conduct which reasonably appears to be a contributing factor to the harm of a patient that requires medical intervention:

(v) Conduct which reasonably appears to violate accepted standards of nursing practice and reasonably appears to create a risk of physical and/or emotional harm to a patient:

(vi) Conduct involving a pattern of repeated acts or omissions of a similar nature in violation of the standards of nursing that reasonably appears to create a risk to a patient:

(vii) Drug trafficking:

(viii) Conduct involving the misuse of alcohol, controlled substances or legend drugs, whether or not prescribed

to the nurse, where such conduct is related to nursing practice or violates any other drug or alcohol-related nursing commission law:

(ix) Conduct involving sexual contact with a patient under RCW 18.130.180(24) or other sexual misconduct in violation of nursing commission law under WAC 246-840-740;

(x) Conduct involving patient abuse, including physical, verbal and emotional;

(xi) Conduct indicating unfitness to practice nursing or that would diminish the nursing profession in the eyes of the public;

(xii) Conduct involving fraud related to nursing practice;

(xiii) Conduct involving practicing beyond the scope of the nurse's license;

(xiv) Nursing practice, or offering to practice, without a valid nursing permit or license, including practice on a license lapsed for nonpayment of fees;

(xv) Violation of a disciplinary sanction imposed on a nurse's license by the nursing commission.

(2) Persons who work in federally funded substance abuse treatment programs are exempt from these mandatory reporting requirements to the extent necessary to comply with 42 CFR Part 2.

(3) Persons who work in approved substance abuse monitoring programs under RCW 18.130.175 are exempt from these mandatory reporting rules to the extent required to comply with RCW 18.130.175(3) and WAC 246-840-780(3).

How is a report made to the nursing commission?

(4) In providing reports to the nursing commission, a person may call the nursing commission office for technical assistance in submitting a report. Reports are to be submitted in writing and include the name of the nurse, licensure identification, if available, the name of the facility, the names of any patients involved, a brief summary of the specific concern which is the basis for the report, and the name, address and telephone number of the individual submitting the report.

(5) Failure of any licensed nurse to comply with these reporting requirements may constitute grounds for discipline under chapter 18.130 RCW.

What are the criteria for whistleblower protection?

(6) Whistleblower criteria is defined in chapter 246-15 WAC and RCW 43.70.075.

**WSR 00-01-187
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 22, 1999, 10:17 a.m., effective February 8, 2000]

Date of Adoption: December 22, 1999.

Purpose: To amend for the purposes of eliminating vendor unit references from the chapter on commercial coaches.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150C-0020, 296-150C-0410(4), and 296-150C-0500 (7)(a) and (b).

Statutory Authority for Adoption: RCW 43.22.480.

Adopted under notice filed as WSR 99-17-116 on August 18, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: February 8, 2000.

December 22, 1999

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems(, and
- Includes Type A and Type B vendor units.

Type A vendor unit is a commercial coach vehicle such as, but not limited to, a truck, van, or step van. The maximum dimensions of a Type A vendor unit are 8 feet wide by 24 feet long in the set-up mode.

Type B vendor unit is a commercial coach structure such as, but not limited to, a recreational vehicle as defined by the

American National Standards Institute, Inc. that is being converted to a vendor unit. The maximum dimensions of a Type B vendor unit are 8 feet wide by 24 feet long in the set-up mode)).

Note: A commercial coach may not be used as a single-family dwelling. A commercial coach does not have to be placed on a permanent foundation.

((Note: (1) Nonvendor units must comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 and WAC 296-150C-3000.

(2) Vendor units may comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 or WAC 296-150C-0010 through 296-150C-0710 and WAC 296-150C-1580 through 296-150C-3000.))

"**Damaged in transit**" means damage that affects the integrity of a structural design or any of the systems.

"**Dealer**" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"**Department**" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"**Design plan**" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"**Design option**" is a design that a manufacturer may use as an option to its commercial coach design plan.

"**Equipment**" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"**Factory assembled structure (FAS) advisory board**" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"**Insignia**" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"**Install**" is to erect, construct, assemble, or set a commercial coach in place.

"**Labeled**" is to bear the department's insignia.

"**Listed**" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"**Local enforcement agency**" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"**Master design plan**" is a design plan that expires when a new state building code has been adopted.

"**One-year design plan**" is a design plan that expires one year after approval or when a new state building code has been adopted.

"**System**" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

((**"Vendor unit"** is a type of commercial coach (referred to as a unit) that:

- Is transported in only one section;
- Is designed for highway use;
- Is temporarily occupied for distribution of items (e.g., food);
- Is built on a permanent chassis;
- Includes at least one of the following systems: Plumbing, mechanical, or electrical;
- Is a converted structure, not a newly manufactured structure; and
- Is a Type A vendor unit or a Type B vendor unit.

Note: Newly manufactured units must comply with the commercial coach construction requirements of this chapter. Unoccupied vendor units are exempt from the requirements of this chapter. For example, those vehicles where food is sold and distributed by standing alongside it.))

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0410 When does my design plan expire? *Commercial Coach - Master Design Plan:*

(1) Your commercial coach master design plan expires when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your approved master design plans to order insignia as long as they comply with the applicable codes.

Commercial Coach - One-Year Design Plan:

(2) Your commercial coach one-year design plan expires either one year after approval or when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your design plans to order insignia as long as they comply with the applicable codes.

(3) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The State Building Code is on a three-year code cycle which coincides with the State Building Code Council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

((*Commercial Coach Vendor Unit:*

(4) ~~Your vendor unit design plan expires after the unit is converted or altered. You can only use this design plan once.~~))

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0500 When is an inspection required? (1) Before we issue an insignia, each unit manufactured or converted must be inspected as many times as required to show compliance with this chapter.

Note: Each commercial coach must have a serial number so we can track inspections.

(2) Before we issue an insignia, each commercial coach must be inspected at the manufacturing location as many

times as required. Inspections may include but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the commercial coach is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a commercial coach is damaged in transit to the building site or during on-site installation, it must be inspected. This is considered an alteration inspection. (See WAC 296-150C-0240.)

(5) Approved design plans must be available in compliance with the applicable sections of the adopted state codes.

(6) Once your unit is inspected and approved we will attach the insignia.

((Commercial Coach Vendor Unit

~~(7) Before we issue an insignia, each commercial coach vendor unit is inspected as follows:~~

~~(a) Inspection(s) during conversion or alteration of a commercial coach vendor unit; and~~

~~(b) A final inspection after the commercial coach vendor unit is complete.))~~

Adopted under preproposal statement of inquiry filed as WSR 99-16-113 on August 4, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 36.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 8, 2000.

December 22, 1999

Gary Moore
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-150C-0330 What must I provide with my request for a commercial coach vendor unit design-plan approval by the department?
- WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units?
- WAC 296-150C-1590 Is a structural analysis required when converting a vehicle or structure to a vendor unit?
- WAC 296-150C-1600 What are the live load requirements of a vendor unit?
- WAC 296-150C-1610 Design load deflection.
- WAC 296-150C-1620 Structural load tests.
- WAC 296-150C-1630 Roof coverings/membrane/weather resistant.
- WAC 296-150C-1640 Floors.
- WAC 296-150C-1650 Floor closure material.
- WAC 296-150C-1660 Chassis approval.
- WAC 296-150C-1670 Standards for equipment and installations.
- WAC 296-150C-1680 Flame-spread limitations.

WSR 00-01-188
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 22, 1999, 10:19 a.m.]

Date of Adoption: December 22, 1999.

Purpose: To repeal all regulations and references to vendor units from chapter 296-150C WAC, Commercial coaches, because vendor units are now covered in new chapter 296-150V WAC, Conversion vendor units and medical units.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-150C-0330, 296-150C-1580, 296-150C-1590, 296-150C-1600, 296-150C-1610, 296-150C-1620, 296-150C-1630, 296-150C-1640, 296-150C-1650, 296-150C-1660, 296-150C-1670, 296-150C-1680, 296-150C-1690, 296-150C-1700, 296-150C-1710, 296-150C-1720, 296-150C-1730, 296-150C-1740, 296-150C-1750, 296-150C-1751, 296-150C-1752, 296-150C-1753, 296-150C-1754, 296-150C-1755, 296-150C-1756, 296-150C-1757, 296-150C-1758, 296-150C-1759, 296-150C-1760, 296-150C-1770, 296-150C-1780, 296-150C-1790, 296-150C-1800, 296-150C-1810, 296-150C-1820, and 296-150C-1830.

Statutory Authority for Adoption: RCW 43.22.480.

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- WAC 296-150C-1690 Cabinet protection.
- WAC 296-150C-1700 Insulation standards.
- WAC 296-150C-1710 Light and ventilation.
- WAC 296-150C-1720 What requirements apply to vending unit exits?
- WAC 296-150C-1730 What code and installation requirements apply to vendor unit electrical systems?
- WAC 296-150C-1740 What are the mechanical requirements for a vendor unit?
- WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit?
- WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit?
- WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit?
- WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit?
- WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit?
- WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit?
- WAC 296-150C-1756 How are gas supply connections in a vendor unit identified?
- WAC 296-150C-1757 What requirements apply to gas piping system openings?
- WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit?
- WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected?
- WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected?
- WAC 296-150C-1770 Appliances—Installation.
- WAC 296-150C-1780 Safety devices—Water heater relief valves.
- WAC 296-150C-1790 Plumbing—General.
- WAC 296-150C-1800 Plumbing—Definitions.

- WAC 296-150C-1810 Drainage—Cap or plug.
- WAC 296-150C-1820 Drainage—Clearance from drain outlet.
- WAC 296-150C-1830 Water supply connection.

**WSR 00-01-190
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 22, 1999, 10:20 a.m., effective January 24, 2000]

Date of Adoption: December 22, 1999.

Purpose: To rewrite WAC 296-20-06101, concerning health care provider reporting requirements, in clear rule writing format. The rewrite complies with Executive Order 97-02 on regulatory improvement.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-06101.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.36.060.

Adopted under notice filed as WSR 99-20-139 on October 6, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 24, 2000.

December 22, 1999

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-06101 ((Reporting requirements))
What reports are health care providers required to submit to the insurer? ((The department or self-insurer requires several kinds of reports at various stages of the claim in order to authorize treatment, time loss compensation, and treatment bills. For additional information refer to the medical aid rules and fee schedules.

Initial report of accident: The first report required is the report of accident. The report of accident qualifies as the office note or report of the initial visit for Level 1 or 2 office

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calls. In addition to the office call charge, the doctor may bill for the filing of the accident report. Reimbursement of these services will be paid if the claim is allowed by the department or self-insurer. If the initial visit is a transfer case, a report is required. Billing for a Level 3, 4, or 5 initial visit may require submission of additional reports as required by department policy.

Office notes: Legible copies of office or progress notes are required for all follow-up visits. Office notes are not acceptable in lieu of requested narrative reports.

Sixty-day narrative reports: When conservative treatment is to continue beyond sixty days, submission of a narrative report is required to substantiate the need for continued care. A narrative report must contain basic information contained in chapter 296-20 WAC, or as determined by department policy. For this narrative report, the department or self-insurer will pay at a rate determined by department policy for a routine report in addition to a routine office call if the call is needed to provide the information. If the doctor supplies additional comprehensive information in the report, payment of a charge submitted in excess of the allowed fee will be considered. In most cases, payment for a narrative report in addition to a Level 3, 4, or 5 office visit will not be considered as the fee for those services includes a comprehensive report. A narrative report should be described as a "sixty-day report."

Consultations reports: Following one hundred twenty days of conservative care (nonsurgical cases), a consultation with the doctor of the attending doctor's choice is required to substantiate further treatment authorization. No prior authori-

zation is required for such consultations. The department or self-insurer should be notified via a consultation referral form (LI 210-299). The consultant is responsible for submitting a copy of the report as outlined in chapter 296-20 WAC, or as determined by department policy, along with the bill to the department or self-insurer.

Follow-up reports: Following the one hundred twenty day consultation, narrative reports are required at sixty day intervals as outlined in chapter 296-20 WAC. The department or self-insurer will request additional consultations and/or special exams as warranted by the individual case.

Hospital reports: When workers are hospitalized it is the responsibility of the doctor to submit the reports to the hospital for submission with the hospital billing. The doctor may bill for hospital visits without attaching copies of the reports. However, billing for operative procedures requires a copy of the operative report.

Reopening application: On claims closed over sixty days, the department or self-insurer will pay for completion of a reopening application, an office visit and diagnostic studies necessary to complete the application. (See chapter 296-20 WAC.) No other benefits will be paid until the adjudication decision is rendered. The department or self-insurer requires different kinds of information at various stages of a claim in order to approve treatment, time loss compensation, and treatment bills. The department or self-insurer may request the following reports at specified points in the claim. The information provided in these reports is needed to adequately manage industrial insurance claims.

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<u>Report</u>	<u>Due/Needed by Insurer</u>	<u>What Information Should Be Included In the Report?</u>	<u>Special Notes</u>
<p>Report of Industrial Injury or Occupational Disease (form)</p> <p>Self-Insurance: Physician's Initial Report (form)</p>	<p><u>Immediately - within five days of first visit.</u></p>	<p><u>See form</u></p> <p><u>If additional space is needed, please attach the information to the application. The claim number should be at the top of the page.</u></p>	<p><u>Only MD, DO, DC, ND, DPM, DDS, and OD may sign and be paid for completion of this form.</u></p>
<p>Sixty Day (narrative)</p> <p><u>Purpose: Support and document the need for continued care when conservative (nonsurgical) treatment is to continue beyond sixty days</u></p>	<p><u>Every sixty days when only conservative (nonsurgical) care has been provided.</u></p>	<p><u>(1) The conditions diagnosed, including ICD-9-CM codes and the subjective complaints and objective findings.</u></p>	<p><u>Providers may submit legible comprehensive chart notes in lieu of sixty day reports PROVIDED the chart notes include all the information required as noted in the "What Information Should Be Included?" column.</u></p>

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<u>Report</u>	<u>Due/Needed by Insurer</u>	<u>What Information Should Be Included In the Report?</u>	<u>Special Notes</u>
		<p>(2) <u>The relationship of diagnoses, if any, to the industrial injury or exposure.</u></p> <p>(3) <u>Outline of proposed treatment program, its length, components and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date and the probability, if any, of permanent partial disability resulting from the industrial condition.</u></p> <p>(4) <u>Current medications, including dosage and amount prescribed. With repeated prescriptions, include the plan and need for continuing medication.</u></p> <p>(5) <u>If the worker has not returned to work, indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.</u></p> <p>(6) <u>If the worker has not returned to work, a doctor's estimate of physical capacities should be included.</u></p> <p>(7) <u>Response to any specific questions asked by the insurer or vocational counselor.</u></p>	<p><u>However, office notes are not acceptable in lieu of requested narrative reports and providers may not bill for the report if chart notes are submitted in place of the report.</u></p> <p><u>Please see WAC 296-20-03021 and 296-20-03022 for documentation requirements for those workers receiving opioids to treat chronic non-cancer pain.</u></p> <p><u>Providers must include their name, address and date on all chart notes submitted.</u></p>
<u>Special Reports/Follow-up Reports (narrative)</u>	<u>As soon as possible following request by the department/insurer.</u>	<u>Response to any specific questions asked by the insurer or vocational counselor.</u>	<u>"Special reports" are payable only when requested by the insurer.</u>

<u>Report</u>	<u>Due/Needed by Insurer</u>	<u>What Information Should Be Included In the Report?</u>	<u>Special Notes</u>
<p>Consultation Examination Reports (narrative)</p> <p>Purpose: Obtain an objective evaluation of the need for ongoing conservative medical management of the worker.</p> <p>The attending doctor may choose the consultant.</p>	<p>At one hundred twenty days if only conservative (nonsurgical) care has been provided.</p>	<p>(1) Detailed history.</p> <p>(2) Comparative history between the history provided by the attending doctor and injured worker.</p> <p>(3) Detailed physical examination.</p> <p>(4) Condition(s) diagnosed including ICD-9-CM codes, subjective complaints and objective findings.</p> <p>(5) Outline of proposed treatment program: Its length, components, expected prognosis including when treatment should be concluded and condition(s) stable.</p> <p>(6) Expected degree of recovery from the industrial condition.</p> <p>(7) Probability of returning to regular work or modified work and an estimated return to work date.</p> <p>(8) Probability, if any, of permanent partial disability resulting from the industrial condition.</p> <p>(9) A doctor's estimate of physical capacities should be included if the worker has not returned to work.</p> <p>(10) Reports of necessary, reasonable x-ray and laboratory studies to establish or confirm diagnosis when indicated.</p>	<p>If the injured/ill worker had been seen by the consulting doctor within the past three years for the same condition, the consultation will be considered a follow-up office visit, not consultation.</p> <p>A copy of the consultation report must be submitted to both the attending doctor and the department/insurer.</p>
<p>Supplemental Medical Report (form)</p>	<p>As soon as possible following request by the department/insurer.</p>	<p>See form</p>	<p>Payable only to the attending doctor upon request of the department/insurer.</p>

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Report	<u>Due/Needed by Insurer</u>	<u>What Information Should Be Included In the Report?</u>	<u>Special Notes</u>
<u>Attending Doctor Review of IME Report (form)</u> <u>Purpose:</u> Obtain the attending doctor's opinion about the accuracy of the diagnoses and information provided based on the IME.	As soon as possible following request by the department/insurer.	Agreement or disagreement with IME findings. If you disagree, provide objective/subjective findings to support your opinion.	Payable only to the attending doctor upon request of the department/insurer.
<u>Loss of Earning Power (form)</u> <u>Purpose:</u> Certify the loss of earning power is due to the industrial injury/occupational disease.	As soon as possible after receipt of the form.	See form	Payable only to the AP.
<u>Application to Reopen Claim Due to Worsening of Condition (form)</u> <u>Purpose:</u> Document worsening of the accepted condition and need to reopen claim for additional treatment.	Immediately following identification of worsening after a claim has been closed for sixty days. <u>Crime Victims:</u> Following identification of worsening after a claim has been closed for ninety days.	See form	Only MD, DO, DC, ND, DPM, DDS, and OD may sign and be paid for completion of this form.

What documentation is required for initial and follow-up visits?

Legible copies of office or progress notes are required for the initial and all follow-up visits.

What documentation are ancillary providers required to submit to the insurer?

Ancillary providers are required to submit the following documentation to the department or self-insurer:

Provider	Chart Notes	Reports
Audiology	X	X
Biofeedback	X	X
Dietician		X
Drug & Alcohol Treatment	X	X
Free Standing Surgery	X	X
Free Standing Emergency Room	X	X
Head Injury Program	X	X
Home Health Care		X
Infusion Treatment, Professional Services		X
Hospitals	X	X
Laboratories		X
Licensed Massage Therapy	X	X
Medical Transportation		X
Nurse Case Managers		X
Nursing Home	X	X

Provider	Chart Notes	Reports
Occupational Therapist	X	X
Optometrist	X	X
Pain Clinics	X	X
Panel Examinations		X
Physical Therapist	X	X
Prosthetist/Orthotist	X	X
Radiology		X
Skilled Nursing Facility	X	X
Speech Therapist	X	X

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WSR 00-01-201
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed December 22, 1999, 11:37 a.m.]

Date of Adoption: December 21, 1999.

Purpose: The state Parks and Recreation Commission amended WAC 352-32-010 Definitions, to provide definitions for Conference Center Facilities and Aquatic Facilities as services that are provided in several state parks. The commission amended WAC 352-32-250 Standard fees charges, in order to clarify the nature of the fees charged for these facilities. WAC 352-32-250 was also amended to express the commission's intention to suspend any of [or] all fees if reve-

nues generated by the fees are not returned to the benefit of the parks.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-010 Definitions and 352-32-250 Standard fees charged.

Statutory Authority for Adoption: Chapter 79A.05 RCW, RCW 79A.05.070.

Adopted under notice filed as WSR 99-23-111 on November 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1999

Jim French

Senior Policy Advisor

AMENDATORY SECTION (Amending WSR 98-23-063, filed 11/16/98, effective 1/1/99)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 43.51.055.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

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"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter. A typical radio controlled model aircraft weighs from five to ten pounds and has a wingspan of five to six feet, with the maximum size being approximately fifty pounds and a wingspan of ten feet.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 98-23-063, filed 11/16/98, effective 1/1/99)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;

PERMANENT

Season of the year;
Amenities of the park area and site;
Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

~~((6))~~ (7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

~~((7))~~ (8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

~~((8))~~ (9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

~~((9))~~ (10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

~~((10))~~ (11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the commission. Permit must be displayed as instructed on permit backing;

~~((11))~~ (12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

~~((12))~~ (13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

~~((13))~~ (14) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

~~((14))~~ (15) A surcharge per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

~~((15))~~ (16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

~~((16))~~ (17) Reservation transaction - fee will be charged as published by state parks;

~~((17))~~ (18) Moorage facilities - fee will be charged as published by state parks;

~~((18))~~ (19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

~~((19))~~ (20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

~~((20))~~ (21) Commercial recreation provider permit - effective January 1, 1998, a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

~~((21))~~ (22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

~~((22))~~ (23) Special groomed trail permit - a state-wide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

~~((23))~~ (24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

~~((24))~~ (25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

~~((25))~~ (26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

~~((26))~~ (27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

~~((27))~~ (28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.



WSR 00-01-007
EMERGENCY RULES
SECRETARY OF STATE
 [Filed December 2, 1999, 11:45 a.m.]

Date of Adoption: December 1, 1999.

Purpose: To amend existing rule, due to new legislation.

Citation of Existing Rules Affected by this Order:
 Amending WAC 434-324-010.

Statutory Authority for Adoption: RCW 29.04.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The immediate amendment of WAC 434-324-010 is necessary to allow 39 counties sufficient time to make program changes, in order to become Y2K compliant.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 1, 1999

Donald F. Whiting

Assistant Secretary of State

[AMENDATORY SECTION (Amending Order 74-4, filed 10/13/97, effective 11/13/97)]

WAC 434-324-010 Contents and format of computer file of registered voters.

(1) Records containing the following information shall be maintained on each registered voter in the computer file: County code, Nname, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five at least one dates upon which the individual has voted since establishing that registration record, and digitized signature. The county may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address.

(2) Pursuant to RCW 29.10.XXX a standard electronic file format (state transfer format) to be used for the electronic transfer of voter registration information between county auditors and the office of the secretary of state is created. Each county shall program its voter registration system to convert the voter registration data as prescribed by WAC

434-324-010(1) from the county's storage format into the state transfer format, which shall be available on commonly accepted portable storage media. The specific format is detailed in WAC 434-324-010(3).

(3) Record format for transferring voter data between county auditors and secretary of state shall be as follows:

<u>County Code</u>	<u>2 Alpha</u>	<u>County numeric code</u>
<u>Year Registration</u>	<u>4 Alpha</u>	
<u>Registration ID</u>	<u>10 Alpha</u>	
<u>Last Name</u>	<u>30 Alpha</u>	
<u>First Name</u>	<u>15 Alpha</u>	
<u>Middle Name</u>	<u>15 Alpha</u>	
<u>Sex</u>	<u>1 Alpha</u>	
<u>Date of Birth</u>	<u>8 Numeric</u>	<u>MMDDYYYY</u>
<u>Date of Registration</u>	<u>8 Numeric</u>	<u>MMDDYYYY</u>
<u>Residence Address</u>	<u>39 Alpha</u>	<u>includes apt.</u>
<u>Residence City</u>	<u>15 Alpha</u>	
<u>Residence Zip Code</u>	<u>9 Alpha</u>	
<u>Mailing Address</u>	<u>39 Alpha</u>	<u>includes apt.</u>
<u>Mailing City</u>	<u>15 Alpha</u>	
<u>Mailing State</u>	<u>2 Alpha</u>	
<u>Mailing Zip Code</u>	<u>9 Alpha</u>	
<u>Precinct Code</u>	<u>6 Alpha</u>	
<u>Levy Code</u>	<u>6 Alpha</u>	
<u>Congressional District</u>	<u>2 Alpha</u>	
<u>Legislative District</u>	<u>2 Alpha</u>	
<u>Date Last Voted</u>	<u>8 Alpha</u>	<u>MMDDYYYY</u>

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 00-01-017
EMERGENCY RULES
SECRETARY OF STATE
 [Filed December 6, 1999, 9:12 a.m.]

Date of Adoption: December 6, 1999.

Purpose: To clarify when an emergency logic and accuracy test on ballot tabulation equipment is needed.

Citation of Existing Rules Affected by this Order:
 Amending WAC 434-334-090, 434-334-110, 434-334-140, 434-334-160, and 434-334-165.

Statutory Authority for Adoption: RCW 29.33.350.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

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general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: [No information supplied by agency.]

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 6, 1999

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-090 Logic and accuracy test certification—State primary and general election. The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-110 Logic and accuracy test certification—Special election. The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy

test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

NEW SECTION

WAC 434-334-127 Punchcard adjustment standards and tests. Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the prepunches and voting response areas are being read properly by the ballot counter.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-140 Definitions. For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-160 Optical scan read head and ballot scan area alignment tests. Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-165 Optical scan ballot marking code program test. Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, ~~((test))~~ testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

WSR 00-01-049
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Filed December 8, 1999, 12:47 p.m.]

Date of Adoption: December 8, 1999.
 Purpose: Amend language in WAC 180-56-230.
 Citation of Existing Rules Affected by this Order:
 Amending WAC 180-56-230.

Statutory Authority for Adoption: RCW 28A.04.120(5).
 Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current language is outdated and a new standard is in place for districts applying for emerging high school status.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

December 7, 1999
 Larry Davis
 Executive Director

AMENDATORY SECTION (Amending Order 2-82, filed 1/21/82)

WAC 180-56-230 Program. It is presumed by the state board of education that a new secondary program (or new grades nine through twelve) must make provision for a comprehensive program. ~~((These programs also must accommodate the requirements of WAC 180-56-026 relating to areas of study that must be available to students and WAC 180-56-021 relating to required subject area and credits for graduation, and must provide for the varied needs, abilities, and interests of students.))~~ Minimum course offerings that must be available for student selection during grades nine through twelve shall include ((+)) those necessary to meet the minimum high school graduation requirements under WAC 180-51-060.

((Required Offerings (subject areas)))	Credits*
Language arts	18
Social studies	15

((Required Offerings (subject areas)))	Credits*
Mathematics (including algebra and geometry)	12
Laboratory science (including biology, chemistry and physics)	12
Home economics	9
Health and physical education	9
Industrial arts	9
Fine arts (must include both music and art)	12
Foreign language (9 credits of one language or 6 credits of two languages)	9
Business education	9

* One credit equals 60 clock hours of instruction including normal class change passing time. (See WAC 180-56-016))

WSR 00-01-085
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed December 14, 1999, 3:01 p.m., effective January 1, 2000]

Date of Adoption: December 14, 1999.

Purpose: To adopt new one-person standard for the medically needy program and new SSI categorically needy standards effective January 1, 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396R-5).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Implementation of federal increase in standards is required to be effective January 1, 2000, in order to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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Effective Date of Rule: January 1, 2000.
 December 14, 1999
 Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-01-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-211—Filed December 15, 1999, 4:47 p.m., effective December 19, 1999, 12:01 p.m.]

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ~~((1999))~~ 2000, the medically needy income level (MNIL) and MI monthly income standards are as follows:

- (a) One person ~~\$(527)~~ 539
- (b) Two persons \$592
- (c) Three persons \$667
- (d) Four persons \$742
- (e) Five persons \$858
- (f) Six persons \$975
- (g) Seven persons \$1,125
- (h) Eight persons \$1,242
- (i) Nine persons \$1,358
- (j) Ten persons and more \$1,483

(2) The MNIL standard for a person meeting institutional status requirements is in WAC 388-513-1305(2).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) ~~((A legally married couple))~~ Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ~~((1999))~~ 2000, the CNIL monthly income standards are as follows:

- | | Area 1 | Area 2 |
|--|--|--|
| (a) Single person | \$(527.00)
<u>539.00</u> | \$(506.55)
<u>518.55</u> |
| (b) A legally married couple who are both eligible | \$(772.00)
<u>779.00</u> | \$(751.00)
<u>769.00</u> |

(2) The countable resource standards for the SSI-related CN medical program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000

Date of Adoption: December 14, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000Y and 220-56-36000Z; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 19, 1999, 12:01 p.m.

December 14, 1999

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-36000Z Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 p.m. December 20 through 11:59 p.m. December 21, 1999, razor clam digging is allowed in Razor Clam Area 1. Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(2) Effective 12:01 p.m. December 19 through 11:59 p.m. December 23, 1999, razor clams digging is allowed in Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

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(3) Effective 12:01 p.m. December 21 through 11:59 p.m. December 22, 1999, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the Copalis River. Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000Y Razor clams—Areas and seasons. (99-200)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 24, 1999:

WAC 220-56-36000Z Razor clams—Areas and seasons.

WSR 00-01-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-212—Filed December 15, 1999, 4:50 p.m.]

Date of Adoption: December 14, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-040.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for tribal fishing pursuant to the state/tribal management plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 14, 1999

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04000Q Commercial crab size restriction. Notwithstanding the provisions of WAC 220-52-040, it is lawful for licensed wholesale dealers to possess male Dungeness crab measuring greater than 6 inches across the back immediately in front of the tips if those crab were taken by a treaty Indian fisher fishing in a tribal authorized commercial fishery scheduled in conformity with a state-tribal management plan that allows for the commercial harvest of crab greater than six inches in width.

WSR 00-01-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-216—Filed December 15, 1999, 4:54 p.m.]

Date of Adoption: December 15, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300N; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Harvestable amounts of sea urchins exist in the areas described. Two divers are allowed when a vessel is designated on two licenses, consistent with SB 5658 passed by the 1999 legislature. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. A record of the Sea Urchin District from which red sea urchins were taken and the location where received is required to avoid overharvest of a district and ensure accurate reporting for purposes of meeting conservation and allocation objectives. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 15, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-52-07300P Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1, 2, 3 and 4 are open only on December 20, 21, and 22, 1999. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

(a) Districts 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) Districts 3 and 4 - 3.25 minimum to 5.0 maximum inches.

(2) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4 and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D are open only on Mondays, Tuesdays, and Wednesdays of each week. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvest operation or when commercial quantities of sea urchins are aboard, except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on Saturdays and Sundays of each week.

(5) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan

Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300N Sea urchins. (99-205)

WSR 00-01-107

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 16, 1999, 3:53 p.m., effective January 1, 2000]

Date of Adoption: December 16, 1999.

Purpose: To adopt changes in the federal standards for the maximum amount of resources that can be allocated to a community spouse.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1350.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500.

Other Authority: Section 1924(g) of the Social Security Act.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal regulations require this increase in standards to be effective January 1, 2000, in order for Washington state to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 1, 2000.

December 16, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

WAC 388-513-1350 Institutional—Available resources. This section describes those resources which are considered available to an institutionalized client.

(1) Resources are defined under chapter 388-470 WAC for an SSI-related client and a TANF-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1350, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365. Trusts are described under WAC 388-505-0595.

(3) "Continuously institutionalized" means a person is residing in a nursing facility or receiving home-based or community-based waived services and the person has not had an absence or break in receiving services of thirty-consecutive days.

(4) For a person whose most recent period of continuous institutionalization began on or before September 30, 1989:

(a) Available resources are one-half of the total value of nonexempt resources held in the:

(i) Names of both the institutionalized spouse and the community spouse; or

(ii) Name of the institutionalized spouse only.

(b) Unavailable resources are:

(i) The other half of the total value of nonexempt resources determined under subsection (3)(a) of this section;

(ii) Held solely in the name of the community spouse; or

(iii) Transferred between spouses as described under subsection (4)(b) of this section.

(5) For a person, whose most recent period of continuous institutionalization starts on or after October 1, 1989, available resources include all nonexempt resources in the name of either the community spouse or the institutionalized spouse except;

(a) The following resources are exempt when the institutionalized person has a community spouse:

(i) One vehicle without regard to use or value; and

(ii) Effective January 1, (~~1998~~) 2000, eighty-four thousand (~~seven~~) one hundred (~~sixty~~) twenty dollars; or

(b) An amount greater than the amount in subsection (4)(a)(ii) of this section if:

(i) Established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(ii) Transferred to the community spouse by court order.

(6) Resources of the institutional spouse must be transferred to the community spouse or to another person for the sole benefit of the community spouse:

(i) Before the first regularly scheduled eligibility review; or

(ii) As soon as possible, taking into account the time necessary to obtain a court order for the support of the community spouse.

(7) The resources of the community spouse are:

(a) Unavailable to the institutionalized spouse:

(i) The month after the institutionalized spouse is determined eligible for institutional benefits; and

(ii) While the institutionalized spouse is continuously institutionalized.

(b) Available to the institutionalized spouse when the institutionalized spouse:

(i) Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) Is not continuously institutionalized.

WSR 00-01-108

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 16, 1999, 3:57 p.m., effective January 1, 2000]

Date of Adoption: December 16, 1999.

Purpose: To adopt changes in the federal standards for the maximum community spouse (CS) maintenance allocation. To continue changes in the following standards that were adopted on a previous order: The CS and dependent family member income allocations and the excess shelter allowance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500.

Other Authority: Section 1924(g) of the Social Security Act.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal regulations require this increase in standards to be effective January 1, 2000 in order for Washington state to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 1, 2000.

December 16, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-11-017, filed 5/10/99, effective 6/10/99)

WAC 388-513-1380 Institutional—Participation—Client cost of care. This section describes allocations of income and excess resources used to determine a person's participation in the cost of care for institutional services in a medical facility. Income allocations described in this section are used to reduce countable income that remains after exclusions described in WAC 388-513-1340.

(1) Allocations used to reduce excess resources are amounts for incurred medical expenses, not subject to third-party payment, for which the person is liable, including:

- (a) Health insurance and Medicare premiums, deductions, and co-insurance charges; and
- (b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan.

(2) Allocations used to reduce countable income are made in the following order:

(a) Amounts described in subsection (2)(a) may not total more than the one-person medically needy income level (MNIL):

- (i) A personal needs allowance (PNA) as follows:
 - (A) One hundred sixty dollars for a person living in a state veterans' home;
 - (B) Ninety dollars for a veteran or a veteran's surviving spouse, who receives an improved pension and does not live in a state veterans' home; or
 - (C) Forty-one dollars and sixty-two cents for all other persons in a medical facility.

(ii) Federal, state, or local income taxes:

(A) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the person; or

(B) Not covered by withholding, but are owed, become an obligation, or have been paid by the person during the time period covered by the PNA.

(iii) Wages for a person who:

- (A) Is SSI-related; and
- (B) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the person for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(iv) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(b) Income garnisheed for child support:

- (i) For the time period covered by the PNA; and
- (ii) Not deducted under another provision in the post-eligibility process.

(c) A monthly needs allowance for the community spouse not to exceed, effective January 1, ~~((1999))~~ 2000, two thousand ~~((forty-nine))~~ one hundred three dollars, unless a greater amount is allocated as described in subsection (4) of this section. The monthly needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand three hundred ~~((fifty-eight))~~ eighty-three dollars; and

(B) Excess shelter expenses as specified under subsection (3) of this section; and

(ii) Is allowed only to the extent the person's income is made available to the community spouse.

(d) A monthly maintenance needs amount for each dependent or minor child, dependent parent or dependent sibling:

(i) Residing with the community spouse, equal to one-third of the amount that one thousand three hundred ~~((fifty-seven))~~ eighty-three dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) Not residing with the community spouse, equal to the MNIL for the number of family members in the home less the income of the family members.

(e) Incurred medical expenses described in subsections (1)(a) and (b) not used to reduce excess resources.

(f) Maintenance of the home of a single person or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the person is likely to return to the home within the six-month period; and

(iv) When social service staff documents initial need for the income exemption and reviews the person's circumstances after ninety days.

(3) For the purposes of this section, "excess shelter expenses" equal the actual expenses under subsection (3)(a) less the standard shelter allocation under subsection (3)(b):

(a) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) The standard shelter allocation is four hundred ~~((seven))~~ fifteen dollars, effective April 1, ~~((1998))~~ 1999.

(4) The amount allocated to the community spouse may be greater than the amount in subsection (2)(c) only when:

(a) A court enters an order against the person for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) A person receiving SSI shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(a) Stay in the institution or facility is not expected to exceed three months; and

(b) The person plans to return to former living arrangements.

WSR 00-01-125
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-219—Filed December 17, 1999, 4:54 p.m., effective January 1, 2000, 12:01 a.m.]

Date of Adoption: December 17, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-31900X and 220-57-31900Y; and amending WAC 220-57-319.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Lewis River wild fall chinook are within the Lower Columbia ESU that have been listed as a "threatened" under ESA. The Lewis River escapement goal is 5,700 fish. Escapement in 1999 is estimated to be 3,500. The proposed regulation will continue the chinook release requirement during the month of January when a small sport catch of fall chinook could occur and before spring chinook have returned in substantial numbers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2000, 12:01 a.m.

December 17, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-57-31900Y Lewis River. Notwithstanding the provisions of WAC 220-57-319, effective 12:01 a.m. January 1, 2000 through January 31, 2000:

(1) Mainstem:

(a) Downstream from east fork to mouth. Daily Limit A except release chum, chinook, and wild coho salmon.

(2) East fork: Closed waters.

(3) North fork:

(a) From the overhead powerlines below Merwin Dam to the east fork - Daily Limit A except release chum, chinook and wild coho salmon.

(4) At all times it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway.

REPEALER

The following section of the Washington Administrative Code is repealed 11:59 p.m. December 31, 1999:

WAC 220-57-31900X Lewis River. (99-175)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 1, 2000:

WAC 220-57-31900Y Lewis River.

WSR 00-01-126
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-218—Filed December 17, 1999, 4:57 p.m., effective December 18, 1999, 12:01 a.m.]

Date of Adoption: December 17, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-17500S and 220-57-17500T; and amending WAC 220-57-175.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Cowlitz River coho and early winter steelhead hatchery returns are sufficient to open additional fishing area to harvest surplus hatchery fish below the

barrier dam. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 18, 1999, 12:01 a.m.
December 17, 1999

Jeff P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-57-17500T Cowlitz River. Notwithstanding the provisions of WAC 220-57-175, effective 12:01 a.m. December 18, 1999 through February 29, 2000:

(1) It is lawful to fish up to four hundred feet or the posted deadline at the barrier dam;

(2) Through December 31, 1999 from mouth to 400 feet or the posted deadline below the barrier dam, daily limit 6 salmon no more than 4 adults except release chum and wild coho. Only one adult chinook per day. From Mill Creek to Blue Creek, release chinook over 28 inches in length.

(3) From January 1, 2000 through February 29, 2000, from mouth upstream to 400 feet or posted deadline below the barrier dam, daily limit 6 salmon no more than 2 adults except release chum and wild coho.

(4) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to the opposite shore.

(5) From the confluence of the Muddy Fork and Ohanapcosh rivers downstream to Scanewa Lake (Cowlitz Falls Reservoir) during the entire year, Daily Limit A except minimum size of 8 inches and release wild coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 17, 1999:

WAC 220-57-17500S Cowlitz River. (99-175)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 1, 2000:

WAC 220-57-17500T Cowlitz River.

**WSR 00-01-127
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-220—Filed December 17, 1999, 4:59 p.m., effective December 22, 1999, 4:00 p.m.]

Date of Adoption: December 17, 1999.

Purpose: Commercial and personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Crab test fishing and sampling results from Marine Fish/Shellfish Management and Catch Reporting Area 24B, portions of 24C, and 26A do not meet hardshell criteria established by agreed state/tribal harvest plans. The agreed plans require fishery closures to prevent unacceptable handling mortality and resource loss when hardshell criteria are not met. In addition, allocation closures are necessary in Areas 24A, 24B, 24C, 24D, and a portion of 26A in order to meet treaty sharing obligations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 22, 1999, 4:00 p.m.
December 17, 1999

Jeff P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-04600V Commercial crab fishing—Allocation/softshell closures. Notwithstanding the provisions of WAC 220-52-046, effective 4:00 p.m. December 22, 1999 until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound in the following areas:

(1) All waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and the portion

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of Marine Fish/Shellfish Catch Area 26A north of line from the south tip of Possession Point on Whidbey Island to the shipwreck north of Picnic Point.

Effective Date of Rule: Immediately.

December 21, 1999

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000V Personal use crab fishery—

Allocation/softshell closures. Notwithstanding the provisions of WAC 220-56-330, effective 4:00 p.m. December 22, 1999 until further notice, it is unlawful to fish for Dungeness crab for personal use from Catch Record Card Areas 8-1 and 8-2.

WSR 00-01-168

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 99-223—Filed December 21, 1999, 3:22 p.m.]

Date of Adoption: December 21, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These closures will allow more hatchery steelhead to escape the fishery and enter traps operated by WDFW and the Muckleshoot Tribe. This trapping is part of a joint effort by the two agencies to reduce the dependance on out-of-basin broodstock to enhance Green River steelhead fisheries. The harvestable number of wild winter-run steelhead (692) is likely to have been taken in tribal and sport fisheries by February 15, 2000, based on anticipated exploitation rates. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Green River (King County) Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately until further notice: From the Highway 18 Bridge to the Tacoma Headworks Dam: It is unlawful to fish for gamefish in those waters within 150 feet of the Palmer Ponds outlet rack and within 150 feet of the mouth of Keta (Crisp) Creek.

(2) Effective 12:01 a.m. February 16, 2000 through February 29, 2000, wild steelhead release in those waters of the Green River from the mouth to the SR 167 Freeway Bridge.

(3) Effective 12:01 a.m. February 16, 2000 through March 15, 2000, wild steelhead release in those waters of the Green River from the SR 167 Bridge to Tacoma Headworks Dam.

WSR 00-01-203

EMERGENCY RULES

SECRETARY OF STATE

[Filed December 22, 1999, 11:46 a.m.]

Purpose: To adopt rules, due to new legislation (SHB 1133).

Statutory Authority for Adoption: Chapter 29.10 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The immediate adoption of WAC 434-324-032 is necessary to permit thirty-nine counties to remove voters from their voter registration lists, who have relocated to a new county and reregistered to vote.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 22, 1999

Donald F. Whiting
Assistant Secretary of State

NEW SECTION

WAC 434-324-032 Suspected multiple county—List maintenance. To detect persons registered to vote in more than one county. The Office of the Secretary of State will produce a list of registered voters with the same date of birth and similar names, who appear on two or more county voter registration lists.

(1) The Office of the Secretary of State will forward this list to each county auditor to facilitate cancellation of previous voters who have subsequently registered to vote in a different county.

(2) The county auditor who receives a list from the Office of the Secretary of State will forward a copy of the registration record and signature to the previous county, for verification prior to any cancellation.

(3) The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the same person made the signature and registration provided by the voter's new county registration.

AGENCY RULES COORDINATORS

Designations as of 12/29/99

AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Accountancy, Board of	Carey L Rader	(360) 753-2585	P.O. Box 43110 Olympia, WA 98504-3110
Administrative Hearings, Office of	Art Wang	(360) 664-8717	P.O. Box 42488 Olympia, WA 98504-2488
Agriculture, Department of	Dannie M McQueen	(360) 902-1809	P.O. Box 42560 Olympia, WA 98504-2560
Arts Commission	Karen Kamara-Gose	(360) 753-3860	P.O. Box 42675 Olympia, WA 98504-2675
Asian Pacific American Affairs, Commission on	Patricia M Lee	(206) 464-5820	P.O. Box 40925 Olympia, WA 98504-0925
Attorney General's Office	Jane Halligan	(360) 753-2681	P.O. Box 40115 Olympia, WA 98504-0115
Auditor, Office of State	Chuck Pfeil	(360) 753-5273	P.O. Box 40021 Olympia, WA 98504-0021
Bates Technical College	John G Thorpe	(253) 596-1619	1101 South Yakima Ave. Tacoma, WA 98405
Bellevue Community College	Elise Erickson	(425) 641-2301	3000 Landerholm Circle S.E. Bellevue, WA 98007
Bellingham Technical College	Jody McBee	(360) 738-3105 ext. 334	3028 Lindbergh Ave. Bellingham, WA 98225
Big Bend Community College	Ken Turner	(509) 762-5351	7662 Chanute St. Moses Lake, WA 98837-3299
Blind, Department of Services for the	Bonnie Jindra	(360) 586-0275	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Larry W Drotz	(360) 254-9062 ext. 327	611 Grand Blvd., S26 Vancouver, WA 98661
Building Code Council	Tim Nogler	(360) 753-5927	P.O. Box 48300 Olympia, WA 98504-8300
Cascadia Community College	Linda Taylor	(425) 402-3870	22002 26th Ave. S.E. Bothell, WA 98021
Central Washington University	Jill M Orcutt	(509) 963-2111	400 East 8th Ave. Ellensburg, WA 98926-7502
Centralia College	Stephen L Ward	(360) 736-9391	600 West Locust St. Centralia, WA 98531
Clark College	Janelle K Farley	(360) 992-2101	1800 East McLoughlin Blvd. Vancouver, WA 98663
Clover Park Technical College	Cherie Steele	(253) 589-5843	4500 Steilacoom Blvd. S.W. Lakewood, WA 98499-4098
Code Reviser's Office	Kerry Radcliff	(360) 786-6697	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Louise Meyers	(509) 547-0511 ext. 202	2600 North 20th Ave. Pasco, WA 99301
Columbia River Gorge Commission	Jan Brending	(509) 493-3323	P.O. Box 730 White Salmon, WA 98672
Community and Technical Colleges, State Board for	Claire Krueger	(360) 753-7413	P.O. Box 42495 Olympia, WA 98504-2495

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Community Economic Revitalization Board	Kate Engle	(360) 586-0657	P.O. Box 48300 Olympia, WA 98504-8300
Community, Trade and Economic Development, Department of	Jean Ameluxen	(360) 753-2227	P.O. Box 48300 Olympia, WA 98504-8300
Conservation Commission	Robert P Bottman	(360) 459-6229	P.O. Box 47721 Olympia, WA 98504-7721
Corrections, Department of	Sherri Pardue	(360) 586-2160	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton	(360) 753-5989	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Darlene Tangedahl	(360) 459-6342	P.O. Box 40905 Olympia, WA 98504-0905
Deaf, Washington State School for the	Larry W Drotz	(360) 254-9062 ext. 327	611 Grand Blvd., S26 Vancouver, WA 98661
Deferred Compensation, Committee for	Anne Holdren	(360) 753-1829	P.O. Box 40931 Olympia, WA 98504-0931
Eastern Washington University	Judith Penrod Siminoe	(509) 359-2371	526 5th St., MS 130 Cheney, WA 99004
Ecology, Department of	Jerry Thielen	(360) 407-7551	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Barbara Patterson	(425) 640-1535	20000 68th Ave. W. Lynnwood, WA 98036
Education, State Board of	Larry Davis	(360) 753-6715	P.O. Box 47206 Olympia, WA 98504-7206
Employment Security Department	Barney Hilliard	(360) 438-4011	P.O. Box 9046 Olympia, WA 98507-9046
Energy Facility Site Evaluation Council	David W Sjoding	(360) 956-2004	P.O. Box 43172 Olympia, WA 98504-3172
Environmental Hearings Office	Suzanne Skinner	(360) 459-6327	P.O. Box 40903 Olympia, WA 98504-0903
Everett Community College	Juli Boyington	(425) 388-9202	801 Wetmore Ave. Everett, WA 98201-1327
Evergreen State College, The	Lee Hoemann	(360) 866-6000 ext. 6116	TA00 Olympia, WA 98505
Executive Ethics Board	Margaret A Grimaldi	(360) 664-0871	P.O. Box 40100 Olympia, WA 98504-0100
Financial Institutions, Department of	Susan Putzier	(360) 664-3508	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Lynne McQuire	(360) 902-0581	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Evan Jacoby	(360) 902-2930	P.O. Box 43147 Olympia, WA 98504-3147
Forensic Investigations Council	Darrell K Russell	(360) 753-2175	206 10th Ave. S.E. Olympia, WA 98501
Forest Practices Board	Judith M Holter	(360) 902-1412	P.O. Box 47012 Olympia, WA 98504-7012
Freight Mobility Strategic Investment Board	Kimberly Colburn	(360) 705-7879	P.O. Box 47390 Olympia, WA 98504-7390
Gambling Commission	Susan Arland	(360) 438-7654 ext. 374	P.O. Box 42400 Olympia, WA 98504-2400

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General Administration, Department of	Cindy Runger	(360) 902-7208	P.O. Box 41000 Olympia, WA 98504-1000
Greys Harbor College	Sandy Zelasko	(360) 538-4000	1620 Edward P. Smith Dr. Aberdeen, WA 98520-7599
Green River Community College	Clark Townsend	(253) 288-3330	12401 S.E. 320th St. Auburn, WA 98092
Growth Management Hearings Boards	William Nielson	(360) 664-8966	P.O. Box 40953 Olympia, WA 98504-0953
Health Care Authority	Melodie Bankers	(360) 923-2728	P.O. Box 42700 Olympia, WA 98504-2700
Health Care Policy Board	Duane Thurman	(360) 407-0039	P.O. Box 41185 Olympia, WA 98504-1185
Health, Department of	Michele Davis	(360) 236-4044	P.O. Box 47890 Olympia, WA 98504-7890
Higher Education Coordinating Board	Belma Villa	(360) 753-7810	P.O. Box 43430 Olympia, WA 98504-3430
Highline Community College	President's Office	(206) 878-3710	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Jaime E Gallardo	(360) 753-3159	P.O. Box 40924 Olympia, WA 98504-0924
Historical Society, Eastern Washington State	Glenn Mason	(509) 456-3932	2316 West First Ave. Spokane, WA 99204
Horse Racing Commission	Patty Sorby	(360) 459-6462	P.O. Box 40906 Olympia, WA 98504-0906
Human Rights Commission	Martin D Casey	(360) 586-5765	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Dennis Marsh	(360) 493-9271	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	David E. Threedy	(360) 753-9646	P.O. Box 42401 Olympia, WA 98504-2401
Information Services, Department of	Carrie Tellefson	(360) 902-3510	P.O. Box 42445 Olympia, WA 98504-2445
Insurance Commissioner's Office	Jon Hedegard	(360) 664-4629	P.O. Box 40255 Olympia, WA 98504-0255
Investment Board, State	Scott Huntley	(360) 664-8900	P.O. Box 40916 Olympia, WA 98504-0916
Jail Industries Board	Jill Will	(360) 586-1534	P.O. Box 40952 Olympia, WA 98504-0952
Judicial Conduct, Commission on	David Akana	(360) 753-4585	P.O. Box 40928 Olympia, WA 98504-0928
Labor and Industries, Department of	Selwyn S.C. Walters	(360) 902-4206	P.O. Box 44001 Olympia, WA 98504-4001
Library, Washington State	Patricia Davis	(360) 753-2914	P.O. Box 42460 Olympia, WA 98504-2460
Licensing, Department of	Walt Fahrer	(360) 902-3640	P.O. Box 48016 Olympia, WA 98504-8016
Liquor Control Board	Teresa Berntsen	(360) 664-1648	P.O. Box 43080 Olympia, WA 98504-3080
Lottery Commission	Mary Jane Ferguson	(360) 753-1947	P.O. Box 43025 Olympia, WA 98504-3025

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Lower Columbia College	Linda Peck	(360) 577-2322	P.O. Box 3010 Longview, WA 98632-0310
Marine Employees' Commission	Janis Lien	(360) 586-6354	P.O. Box 40902 Olympia, WA 98504-0902
Military Department	Linda Burton-Ramsey	(360) 923-4501	P.O. Box 40955 Olympia, WA 98504-0955
Minority and Women's Business Enterprises, Office of	Juan Huey-Ray	(360) 704-1188	P.O. Box 41160 Olympia, WA 98504-1160
Natural Resources, Department of	Dave Dietzman	(360) 902-1600	P.O. Box 47015 Olympia, WA 98504-7015
Olympic College	Donna M Allen Ed.D.	(360) 478-4544	1600 Chester Ave. Bremerton, WA 98310-1699
Outdoor Recreation, Inter- agency Committee for	Greg Lovelady	(360) 902-3008	P.O. Box 40917 Olympia, WA 98504-0917
Parks and Recreation Commission	Jim French	(360) 902-8615	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Bonnie Cauffman	(360) 417-6212	1502 East Lauridsen Blvd. Port Angeles, WA 98362
Personnel Appeals Board	Kenneth J Latsch	(360) 664-0373	P.O. Box 40911 Olympia, WA 98504-0911
Personnel, Department of	Rhonda Skinner	(360) 664-6347	P.O. Box 47500 Olympia, WA 98504-7500
Pierce College	Debra Overby	(253) 964-6634	9401 Farwest Dr. S.W. Lakewood, WA 98498-1999
Pilotage Commissioners, Board of	Peggy Larson	(206) 515-3904	801 Alaskan Way, Pier 52 Seattle, WA 98104-1487
Pollution Liability Insurance Agency	Terry Taylor	(360) 586-5997	P.O. Box 40930 Olympia, WA 98504-0930
Productivity Board	Linda L Mackintosh	(360) 586-8407	P.O. Box 40244 Olympia, WA 98504-0244
Public Disclosure Commission	Karen M Copeland	(360) 753-1111	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	Mark S Downing	(360) 753-2955	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Ben Gravely	(360) 753-2298	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	Pete A Butkus	(360) 586-7186	P.O. Box 48319 Olympia, WA 98504-8319
Puget Sound Water Quality Authority	Duane Fagergren	(360) 407-7303	P.O. Box 40900 Olympia, WA 98504-0900
Renton Technical College	Gary Koppang	(425) 235-2352	3000 N.E. Fourth St. Renton, WA 98056-4195
Retirement Systems, Department of	Elyette Weinstein	(360) 664-7307	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Alan Lynn	(360) 586-9040	P.O. Box 47467 Olympia, WA 98504-7467
Seattle Community Colleges	James E Christiansen	(206) 587-4160	1500 Harvard Seattle, WA 98122
Shoreline Community College	Charles Whiteside	(206) 546-4694	16101 Greenwood Ave. N. Seattle, WA 98133

Skagit Valley College	Donna L Larsen	(360) 416-7600	2405 E. College Way Mt. Vernon, WA 98273
Social and Health Services, Department of	Paige G Wall	(360) 664-6094	P.O. Box 45850 Olympia, WA 98504-5850
South Puget Sound Community College	Patty Pynch	(360) 754-7711 ext. 202	2011 Mottman Rd. S.W. Olympia, WA 98502
Spokane, Community Colleges of	Geoffrey J Eng	(509) 536-7413	North 2000 Greene St., MS 100 Spokane, WA 99207-5499
Tacoma Community College	Irene Hardy	(253) 566-5101	5900 South 12th St., Bldg. 13 Tacoma, WA 98465
Tax Appeals, Board of	Richard A Virant	(360) 753-5446	P.O. Box 40915 Olympia, WA 98504-0915
Traffic Safety Commission	Angie Smith	(360) 753-6197	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Improve- ment Board	Donna Laing	(360) 753-7198	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Department of	Bill Richeson	(360) 705-7761	P.O. Box 47410 Olympia, WA 98504-7410
Treasurer, Office of the State	Gregory J Rosen	(360) 902-9093	P.O. Box 40200 Olympia, WA 98504-0200
University of Washington	Rebecca Goodwin-Deardorff	(206) 543-9199	4014 University Way N.E. Seattle, WA 98105-6203
Utilities and Transportation Commission	Robert Wallis	(360) 664-1142	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Depart- ment of	Glenda Vick	(360) 709-5232	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters, Board for	Joseph Faubion	(360) 753-7318	P.O. Box 40945 Olympia, WA 98504-0945
Walla Walla Community College	Irma Leonetti	(509) 527-4274	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Heather Fleming	(360) 753-0655	P.O. Box 42600 Olympia, WA 98504-2600
Washington State University	Richard L Hutchinson	(509) 335-5524	French 432 Pullman, WA 99164-1045
Wenatchee Valley College	Anna Pieratt	(509) 664-2553	1300 Fifth St. Wenatchee, WA 98801
Western Washington University	Gloria McDonald	(360) 650-3968	President's Office -Mailstop 9000 Bellingham, WA 98225
Whatcom Community College	Cliff Baacke	(360) 676-2170	237 West Kellogg Rd. Bellingham, WA 98226
Workforce Training and Education Coordinating Board	'cita Waller	(360) 753-5673	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Valley Community College	Suzanne West	(509) 574-4635	P.O. Box 1647 Yakima, WA 98907-1647

OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 99-19 through 99-24

Type of Activity **New Amended Repealed**

ACCOUNTANCY, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	0	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	4	0	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	0	3
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	0	4
Number of Sections Adopted using Pilot Rule Making	0	0	0

ADMINISTRATIVE HEARINGS, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	42	28	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	6	27	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	6	27	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

AGRICULTURE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	400	28	278
Number of Rules Proposed for Permanent Adoption	63	32	19
Number of Rules Withdrawn	10	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	7	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	47	3	276
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	6
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	6
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	207
Number of Sections Adopted on the Agency's own Initiative	0	3	215
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	9	221
Number of Sections Adopted using Pilot Rule Making	0	0	0

ATTORNEY GENERAL'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	3	3	0

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Type of Activity	New	Amended	Repealed
BATES TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BELLEVUE COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	1	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	11	0
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Proposed for Permanent Adoption	13	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	86	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	43	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	61	19	2
Number of Rules Proposed for Permanent Adoption	93	67	0
Number of Rules Withdrawn	69	12	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	16	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	19	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	19	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	116	48	24
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	123	57	24
Number of Rules Withdrawn	12	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	20	18	22
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	5	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	20	37	24
Number of Sections Adopted using Negotiated Rule Making	20	13	22
Number of Sections Adopted using Other Alternative Rule Making	0	22	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

EMPLOYMENT SECURITY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	48	0	26
Number of Rules Proposed for Permanent Adoption	27	0	12
Number of Rules Withdrawn	3	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	37	0	44
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ENVIRONMENTAL HEARINGS OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	2	1
Number of Rules Proposed for Permanent Adoption	3	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	2	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EVERGREEN STATE COLLEGE, THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	6	0
Number of Rules Proposed for Permanent Adoption	30	6	24
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	13	1
Number of Rules Adopted as Emergency Rules	294	0	90
Number of Rules Proposed for Permanent Adoption	136	96	19
Number of Sections Adopted at Request of a Nongovernmental Entity	12	0	11
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	90	13	72
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	14	8	0
Number of Rules Proposed for Permanent Adoption	71	34	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	4	2
Number of Rules Proposed for Permanent Adoption	6	4	2
Number of Rules Withdrawn	95	20	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	4	2
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GENERAL ADMINISTRATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	2	1
Number of Rules Proposed for Permanent Adoption	15	13	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	3	0
Number of Rules Adopted as Emergency Rules	12	8	0
Number of Rules Proposed for Permanent Adoption	6	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	11	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	42	23	1
Number of Rules Proposed for Permanent Adoption	207	52	23
Number of Rules Withdrawn	8	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	8	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	7	22	1

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	9	12	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	14	0	12
Number of Rules Adopted as Emergency Rules	20	0	0
Number of Rules Proposed for Permanent Adoption	12	0	12
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	12
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	11	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HOUSING FINANCE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	0	0

INFORMATION SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	10	2

INSURANCE COMMISSIONER'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	23	7	0
Number of Rules Proposed for Permanent Adoption	20	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	8	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	180	57	51
Number of Rules Proposed for Permanent Adoption	314	20	48
Number of Sections Adopted at Request of a Nongovernmental Entity	1	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	35	48	49
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	20	0	22
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	4	54	2

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	33	0
Number of Sections Adopted using Other Alternative Rule Making	36	25	49
Number of Sections Adopted using Pilot Rule Making	0	0	0

LAKE WASHINGTON TECHNICAL COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	2	2	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	74	36	18
Number of Rules Proposed for Permanent Adoption	143	41	36
Number of Rules Withdrawn	24	18	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	35	18
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	5	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	7	31	18
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	1	0
Number of Rules Proposed for Permanent Adoption	69	0	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	0	0
Number of Sections Adopted on the Agency's own Initiative	4	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LOTTERY, WASHINGTON STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	1	1

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0

PARKS AND RECREATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	2	0

PENINSULA COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	103	0	103
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	103
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PERSONNEL RESOURCES BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	17	13	0
Number of Rules Proposed for Permanent Adoption	4	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	10	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	10	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	10	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PERSONNEL, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	4	0
Number of Rules Proposed for Permanent Adoption	4	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	318	120	38
Number of Rules Proposed for Permanent Adoption	87	15	44
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	12
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	70	104	26
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	3	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	10	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	43	18	25
Number of Rules Proposed for Permanent Adoption	26	22	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	25
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	16	0
Number of Sections Adopted on the Agency's own Initiative	0	1	25
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
REVENUE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	15	5	0
Number of Rules Adopted as Emergency Rules	4	2	0
Number of Rules Proposed for Permanent Adoption	8	8	0
Number of Rules Withdrawn	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	5	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	0
Number of Sections Adopted on the Agency's own Initiative	1	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	47	26	3
Number of Rules Proposed for Permanent Adoption	46	25	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	26	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	9	25	3
Number of Sections Adopted on the Agency's own Initiative	9	26	3
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SENTENCING GUIDELINES COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	0	0

MISC.

Type of Activity	New	Amended	Repealed
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	189	38	27
Number of Rules Adopted as Emergency Rules	26	20	0
Number of Rules Proposed for Permanent Adoption	818	167	143
Number of Rules Withdrawn	9	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	57	13	27
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	14	4	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	40	0
Number of Sections Adopted on the Agency's own Initiative	48	9	26
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	65	51	27
Number of Sections Adopted using Pilot Rule Making	0	0	0
SOUTH PUGET SOUND COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	75	46	13
TOXICOLOGIST, STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TRANSPORTATION IMPROVEMENT BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	318	10	150
Number of Rules Adopted as Emergency Rules	279	10	113
Number of Rules Proposed for Permanent Adoption	318	10	150
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	157	19	262
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	157	19	262
Number of Sections Adopted on the Agency's own Initiative	157	19	262
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	5	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	14	14	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	5	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TREASURER, OFFICE OF THE STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	13	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	13	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	13	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	20	18	1
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	130	17	49
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Rules Withdrawn	6	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	5	12
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	12	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	30	0	37
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
VOLUNTEER FIREFIGHTERS, BOARD FOR			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	63	5	50
WESTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0
YAKIMA VALLEY COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	17	12	1
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	2289	566	819
Number of Rules Adopted as Emergency Rules	743	52	203
Number of Rules Proposed for Permanent Adoption	2884	822	649
Number of Rules Withdrawn	237	68	15
Number of Sections Adopted at Request of a Nongovernmental Entity	19	17	11
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	410	300	774
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	34	16	28
Number of Sections Adopted in Order to Comply with Federal Statute	70	106	32
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	216	136	475
Number of Sections Adopted on the Agency's own Initiative	454	291	782
Number of Sections Adopted using Negotiated Rule Making	27	87	42
Number of Sections Adopted using Other Alternative Rule Making	138	169	304
Number of Sections Adopted using Pilot Rule Making	19	0	0

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WSR 00-01-004

PROCLAMATION

OFFICE OF THE GOVERNOR

[Filed December 1, 1999, 3:56 p.m.]

STATE OF EMERGENCY

WHEREAS, the 1999 Fraser River sockeye salmon season was canceled by the Pacific Salmon Commission because of the drastic reduction in the size of the sockeye salmon run;

WHEREAS, the cause of the reduced 1999 Fraser River sockeye salmon run was the 1997 El Nino-induced ocean condition, which has resulted in significant economic injury in Whatcom, Skagit, Snohomish, King, Pierce, and Thurston Counties, as well as a high likelihood that such injury may later be realized in other counties;

WHEREAS, the State of Washington Military Department, Emergency Management Division; the Department of Fish and Wildlife; and the Department of Community, Trade and Economic Development are coordinating resources to support local officials in alleviating the immediate social and economic impacts to people, property, and businesses, and in assessing the magnitude of the event;

WHEREAS, the severity and magnitude of the impacts from the season closure are beyond the capabilities of the affected political subdivisions.

NOW, THEREFORE, I, Gary Locke, Governor of the State of Washington, as a result of the aforementioned situation and under the provisions of Chapters 43.06 and 38.52 of the Revised Code of Washington, do hereby proclaim that a State of Emergency exists in the counties of Whatcom, Skagit, Snohomish, King, Pierce, and Thurston, and direct the supporting plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and do everything possible to assist affected political subdivisions in an effort to respond to and recover from the events. Additionally, the State of Washington Military Department, Emergency Management Division; the Department of Fish and Wildlife; and the Department of Community, Trade and Economic Development are instructed to coordinate all state assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 24th day of November, A.D., Nineteen Hundred and Ninety-Nine.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Tracy Guerin

for Secretary of State

WSR 00-01-006

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE

HISTORICAL SOCIETY

[Memorandum—December 1, 1999]

The Washington State Historical Society board of trustees has adopted the following meeting schedule.

February 25, 2000	Seattle
May 13, 2000	Tacoma
August 18, 2000	Long Beach

Please call (253) 798-5901 if you need additional information.

WSR 00-01-008

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE LOTTERY

(Lottery Commission)

[Memorandum—December 2, 1999]

Following are the year 2000 meeting dates for the Washington State Lottery Commission:

January 7, 2000	Seattle
March 17, 2000	Olympia
May 19, 2000	Yakima
July 14, 2000	Everett
September 15, 2000	Spokane
November 17, 2000	Vancouver

WSR 00-01-010

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed December 3, 1999, 1:36 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 192.

Subject: Notifying a CP of address release or cost recovery.

Effective Date: September 30, 1999.

Document Description: This CN provides procedures for notifying a CP when another state or a health insurance provider wants the CP's address or when a state recovers costs.

To receive a copy of the interpretive or policy statement, contact Alyson Reed, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail areed@dshs.wa.gov.

December 1, 1999

Alyson B. Reed

MISC.

WSR 00-01-011
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed December 3, 1999, 1:38 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 191.
Subject: Changes to PSO and case closure.
Effective Date: November 30, 1999.
Document Description: This document explains [and] amends existing procedure to meet the field office requests.
To receive a copy of the interpretive or policy statement, contact Alyson Reed, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail areed@dshs.wa.gov.

November 30, 1999
Alyson Reed

June 27, 1:00 p.m.
Location Unknown

July 18, 1:00 p.m.
Cavanaugh's Hotel
Olympia, Washington

August 1 (tentative), 1:00 p.m.
Cavanaugh's Hotel
Olympia, Washington

October 24, 8:00 a.m.
Planning Session
Possibly Burien

November 28, 1:00 p.m.
Location Unknown

Please contact (360) 923-2802, if you have any questions or need further information.

WSR 00-01-013
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Memorandum—December 1, 1999]

Public Employees Benefits Board
2000 Meeting Schedule

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

January 11, 1:15 p.m.
Cavanaugh's Hotel
Olympia, Washington

February 22, 1:00 p.m.
Lacey Community Center
Lacey, Washington

March 28, 1:00 p.m.
Lacey Community Center
Lacey, Washington

April 18, 1:00 p.m.
Lacey Community Center
Lacey, Washington

May 23, 1:00 p.m.
Lacey Community Center
Lacey, Washington

WSR 00-01-014
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—December 1, 1999]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- December 1, 1999* Snohomish County Global Technology Reception, Boeing 777 Facility, Everett, Washington, 4 - 6 p.m.
Purpose: Reception and premier screening of "Snohomish County: The Center for New Economies."
- December 6, 1999 Legislative Breakfast, EdCC, Culinary Connections, Brier Hall, 20000 68th Avenue West, Lynnwood, WA, 7 - 9 a.m.
Purpose: To meet with area legislators to discuss issues.
- December 8, 1999 Legislative Breakfast, EdCC, Culinary Connections, Brier Hall, 20000 68th Avenue West, Lynnwood, WA 7 - 9 a.m.
Purpose: To meet with area legislators to discuss issues.
- December 16, 1999 Edmonds Community College Board of Trustees Regular Board Meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
Purpose: To address routine college business issues.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

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WSR 00-01-015
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
[Memorandum—December 1, 1999]

The year 2000 meeting schedule for the board of trustees of Tacoma Community College, District 22, is:

- January 20, 2000
- February 17, 2000
- March 16, 2000
- April 20, 2000
- May 18, 2000
- (June 15, 2000)

Rescheduled for June 8, 2000; regular meeting date conflicts with commencement

- July 20, 2000
- August 17, 2000
- September 21, 2000
- October 19, 2000
- November 16, 2000
- December 21, 2000

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meeting time is 4:00 p.m.; meetings are held in the Learning Resource Center, Building 7, Baker Room.

WSR 00-01-016
NOTICE OF PUBLIC MEETINGS
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Memorandum—December 2, 1999]

Please update the rules coordinator list with the following change of telephone number:

From: (360) 586-1228
To: (360) 704-1188

My e-mail address is Jhuey-ray@omwbe.wa.gov.
Juan Huey-Ray
Rules Coordinator

WSR 00-01-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Bulb Commission)
[Memorandum—December 3, 1999]

Washington State Bulb Commission Year 2000 Meetings

The meetings in the year 2000 will be on May 17 at noon at the WSU Research Station in Mount Vernon; and on November 28 at noon at the SeaTac Marriott Hotel.

WSR 00-01-022
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—November 29, 1999]

The Commission on Judicial Conduct will hold their year 2000 business meetings at 11:00 a.m. on the following dates and locations:

- | | |
|-------------------------|---|
| February 4, 2000 | Sea-Tac Holiday Inn
17338 Pacific Highway South
Sea-Tac, WA 98188 |
| April 7, 2000 | Sea-Tac Holiday Inn |
| June 2, 2000 | Sea-Tac Holiday Inn |
| August 4, 2000 | Sea-Tac Holiday Inn |
| September 14 - 15, 2000 | Cavanaugh's River Inn
700 North Division Street
Spokane, WA 99202 |
| December 1, 2000 | Sea-Tac Holiday Inn |

WSR 00-01-023
RULES OF COURT
STATE SUPREME COURT
[December 2, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO IRLJ 6.2) NO. 25700-A-669
(d)(4))

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to IRLJ 6.2 (d)(4), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendment as attached hereto is adopted.
- (b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December, 1999.

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	Ireland, J.
Smith, J.	Sanders, J.
Johnson, J.	Alexander, J.
Madsen, J.	Guy, C.J.
Talmadge, J.	

GR 9 COVER SHEET
Proposed Amendments

IRLJ 6.2(4)

(1) **Background of Current Rule:**

(A) IRLJ 6.2(4). IRLJ 6.2(4) sets out the penalty schedule for Boating Infractions pursuant to Chapter 88.12 RCW.

Proposed Amendments to IRLJ 6.2(4).

(4) Boating Infractions

Operating Vessel in Negligent Manner (RCW 88.12.020 <u>79A.60.030</u>)	\$160
No Personal Flotation Device (PFD) on Vessel for Each Person (RCW 88.12.115 <u>(1)79A.60.160(1)</u>)	\$35
Personal Flotation Device Not the Appropriate Size (RCW 88.12.115 <u>(1)79A.60.160(1)</u>)	\$35
Personal Flotation Device Not Readily Accessible (RCW 88.12.115 <u>(1)79A.60.160(1)</u>)	\$35
Observer Required on Board Vessel (RCW 88.12.125 <u>(2)79A.60.170(2)</u>)	\$35
Observer To Continuously Observe (RCW 88.12.125 <u>(2)79A.60.170(2)</u>)	\$35
Failure To Display Skier Down Flag (RCW 88.12.125 <u>(2)79A.60.170(2)</u>)	\$35
Flag/Pole Not to Specifications (RCW 88.12.125 <u>(2)79A.60.170(2)</u>)	\$35
Observer Does Not Meet Minimum Qualifications (RCW 88.12.125 <u>(3)79A.60.170(3)</u>)	\$60
Water Skier Not Wearing Personal Flotation Device (RCW 88.12.125 <u>(4)79A.60.170(4)</u>)	\$60
Overloading of Vessel Beyond Safe Carrying Ability (RCW 88.12.135 <u>(1)79A.60.180(1)</u>)	\$110
Carrying Passengers in Unsafe Manner (RCW 88.12.135 <u>(1)79A.60.180(1)</u>)	\$60
Overpowering of Vessel Beyond Vessel's Ability To Operate Safely (RCW 88.12.135 <u>(2)79A.60.180(2)</u>)	\$110
Person Not Wearing Personal Flotation Device (PFD) on Personal Watercraft (RCW 88.12.145 <u>(1)79A.60.190(1)</u>)	\$60
Failure To Give Accident Information to Law Enforcement (RCW 88.12.155 <u>(1)79A.60.200(1)</u>)	\$110
Motor Propelled Vessels Without Effective Muffler in Good Working Order and Constant Use (RCW 88.12.085 <u>(1)79A.60.130(1)</u>)	\$35
Sound Level in Excess of 90 Decibels for Engines Made Before 1/1/94 Using Stationary Test (RCW 88.12.085 <u>(1)79A.60.130(1)</u>)	\$35
Sound Level in Excess of 88 Decibels for Engines Made on or After 1/1/94 Using Stationary Test (RCW 88.12.085 <u>(1)79A.60.130(1)</u>)	\$35
Sound Level in Excess of 75. Decibels for Engines Using Shoreline Test (RCW 88.12.085 <u>(3)79A.60.130(3)</u>)	\$35
Removing, Altering or Modifying Muffler or Muffler System (RCW 88.12.085 <u>(7)79A.60.130(7)</u>)	\$35
Manufacturing, Selling, or Offering for Sale Any Vessel Equipped With Noncomplying Muffler or Muffler System (RCW 88.12.085 <u>(8)79A.60.130(8)</u>)	\$60
Vessel Exemption/Exception for Competing in Racing Events Carried on Board Operating Vessel (RCW 88.12.085 <u>(8)79A.60.130(8)</u>)	\$35

During the 1999 Legislative Session, the legislature recodified Chapter 88.12 RCW through Law 1999, Chapter 249. The District and Municipal Court Judges' Association believes that IRLJ 6.2(4) needs to be amended to reflect the recodification of Chapter 88.12 RCW.

(2) **Purpose:**

(A) IRLJ 6.2(4). The purpose of the amendment to IRLJ 6.2(4) would be to so that the rule would accurately correspond with the boating infraction rules now found under Chapter 79A.60 RCW. As the rule currently stands, the penalties for boating infractions still refer to Chapter 88.12 RCW.

(3) **Washington State Bar Association Action:** No information is available. Due to technical nature of the amendments, the Bar Association has not been consulted.

(4) **Supporting material:** Attached is a copy of:

(A) the proposed amendments.

(5) **Spokesperson:**

The Honorable Janis Whitener-Moberg, President of the District and Municipal Court Judges' Association

(6) **Hearing:** None recommended.

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Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-01-024
RULES OF COURT
STATE SUPREME COURT
[December 2, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CrR 4.2;) NO. 25700-A-670
CrRLJ 4.2 AND JuCR 7.7)

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2; CrRLJ 4.2 and JuCR 7.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates and early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December, 1999.

Signature lines for Ireland, J., Sanders, J., Smith, J., Alexander, J., Johnson, J., Guy, C.J., Madsen, J., and Talmadge, J.

Form for Superior Court of Washington, State of Washington, Plaintiff vs. Defendant.

NO. STATEMENT OF DEFENDANT ON PLEA OF GUILTY (STDFG)

- 1. My true name is:
2. My age is:
3. I went through the grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
(b) I am charged with:

The elements are:

- 5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
(c) The right at trial to hear and question the witnesses who testify against me;
(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
(f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
(a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

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COUNT NO.	STANDARD RANGE (not including enhancements)	PLUS Enhancement for Firearm (F), other deadly weapon (D) or VUCSA (V) in protected zone	TOTAL (standard range including enhancements)	MAXIMUM TERM AND FINE
1				
2				
3				

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is less than 12 months and community custody or community placement is not required due to the nature of the crime. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. If this crime is a sex offense, the court will order me to serve at least three years of community custody. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h).

(g) The prosecuting attorney will make the following recommendation to the judge: _____

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE

[k] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence and I have at least one prior conviction for one of these listed crimes in this state, in

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federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[l] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, two years community supervision, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

[m] The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, which ever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[n] Because this crime involves a sex offense, or a kidnapping offense involving a minor, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level II or III, or on a monthly basis if I have been classified as a risk level I or H. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

~~If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.~~

[o] If this crime involves a sex offense or violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis.

[p] If this is a crime of domestic violence and if I, or the victim of the offense, has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[q] If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

[r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate ~~outpatient~~ substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, ~~to stay out of certain areas, and to pay thirty dollars per month to offset the cost of monitoring~~ and require other conditions, including affirmative conditions.

[s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

[t] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine or amphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401 (a)(1)(ii).

[u] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

[v] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).

[w] The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[k].

[x] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[y] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

[z] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[aa] This plea of guilty will result in the suspension of public assistance. RCW 74.08.290.

7. I plead guilty to count _____ in the _____ Information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney Bar #

Print Name

Defendant's Lawyer Bar #

Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- *(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

MISC.

Dated: _____

Judge

INTERPRETER'S DECLARATION
(If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated _____ for the defendant from English into that language.

Identify document being translated

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Location: _____

SUPERIOR COURT OF WASHINGTON	
COUNTY OF _____	
JUVENILE COURT	
STATE OF WASHINGTON v.	
	Respondent
D.O.B.:	

NO:
STATEMENT ON PLEA OF GUILTY
(STJOPG)

1. My true name is: _____
I am also known as: _____
2. My age is _____. Date of Birth: _____
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with _____

and that the elements are _____

and I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- a. I have the right to a speedy and public trial in the county where I reside or where the offense(s) allegedly occurred.
- b. I have the right to remain silent before and during trial, and I need not testify against myself.
- c. I have the right to hear and question witnesses who might testify against me.
- d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
- e. I have the right to testify on my own behalf.
- f. I am presumed innocent unless each element of the offense(s) I am charged with is proven beyond a reasonable doubt or I enter a plea of guilty.
- g. I have the right to appeal a finding of guilt after trial.

6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

a. _____

MISC.

- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

[] LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY SER- VICE	FINE	DETENTION	CVC	RESTITUTION
[] 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[]As required []__
[] 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[]As required []__
[] 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	[]As required []__

I understand that, if community supervision is imposed, I will be required to comply with various rules which could include school attendance, curfew, restrictions, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

[] JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION, (JRA) FACILITY	CVC	RESTITUTION
[] 1	[] 15 to 36 [] 30 to 40 [] 52 to 65 [] 80 to 100 [] 103 to 129 [] 180 to Age 21	\$75/\$100	[]As required []__
[] 2	[] 15 to 36 [] 30 to 40 [] 52 to 65 [] 80 to 100 [] 103 to 129 [] 180 to Age 21	\$75/\$100	[]As required []__
[] 3	[] 15 to 36 [] 30 to 40 [] 52 to 65 [] 80 to 100 [] 103 to 129 [] 180 to Age 21	\$75/\$100	[]As required []__

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release, I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community service, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(1) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

[B] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.

[C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor, I will be required to register with the sheriff of the county of the state of Washington where I reside. RCW 9A.44.130. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the

MISC.

time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level II or III or on a monthly basis if I have been classified as a risk level I or ~~II~~. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

~~If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.~~

If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within 5 days of the entry of the order. RCW 9A.44.130(6)

[D] DNA TESTING: If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. RCW 43.43.754.

[E] HIV TESTING: If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.

[F] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.

[G] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155

[H] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160

[I] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm unless my right to do so has been restored by a court of record. RCW 9.41.040(1).

[J] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession Under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (1)(b)(iii), and pursuant to chapter 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall

be determined pursuant to chapter 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate. The judge must impose a sentence within the standard sentence range unless the judge finds that doing so would constitute a manifest injustice. If the judge goes outside the standard sentence range, either I or the prosecuting attorney can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count _____ in the _____ Information. I have received a copy of that information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

RESPONDENT

JUDGE'S CERTIFICATE

The foregoing statement was read by or to the Respondent and signed by the Respondent in the presence of his or her lawyer and the undersigned judge in open court. The judge finds the Respondent's plea of guilty is knowingly, intelligently, and voluntarily made, that the Respondent has been advised by the judge concerning the nature of the offense, that there is a factual basis for the plea, and that the Respondent is guilty as charged.

Dated: _____

JUDGE/COMMISSIONER

Attorney for Respondent

Deputy Prosecuting Attorney

Type or Print Name/Bar Number

Type or Print Name/Bar Number

MISC.

COURT OF WASHINGTON
FOR _____,
Plaintiff
vs.

Defendant.

NO.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: _____
The elements are: _____

5. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to testify and to have witnesses to testify for me. These witnesses can be made to appear at no expense to me;
 - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
 - (a) The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$_____ fine.
 - (b) The prosecuting authority will make the following recommendation to the judge: _____

- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY, THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE DEFENDANT.

- g The crime of _____ has a mandatory minimum sentence of _____. The law does not allow any reduction of this sentence.
- h If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.
- i This plea of guilty will result in suspension or revocation of my driver's license by the Department of Licensing. If I have a driver's license, I must now surrender it to the judge.
- j I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- k If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to the penalties described in Attachment "A".

MISC.

[] I understand that if this crime involves a sex offense, a kidnapping offense involving a minor, communicating with a minor, or one of the other offenses listed RCW 9.9A.44, I will be required to register with the county sheriff as described in Attachment "B".

7. I plead guilty to the crime of _____ as charged in the complaint or citation and notice. I have received a copy of that complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: _____

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Authority and Bar #

Defendant's Lawyer and Bar #

Print Name

Print name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

[] (a) The defendant had previously read; or

[] (b) The defendant's lawyer had previously read to him or her; or

[] (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

DATED: _____

Judge

INTERPRETER'S DECLARATION

(If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the

_____ language, which the defendant understands, and I have translated

_____ for the defendant from English into that language.

Identify document being translated

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: _____

Interpreter

LOCATION: _____

Case Name: _____

Cause No: _____

Attachment A: Paragraph 6(k), driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department of Licensing - 1999 DUI Administrative Sanctions and Reinstatement Provisions

MISC.

ADMINISTRATIVE SANCTIONS		
REFUSED TEST	<i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years (Suspension consecutive to any court ordered suspension)</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
ALCOHOL CONCENTRATION TEST RESULT	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adults With 0.08 or Greater	90-Day License Suspension	2-Year License Revocation
Minors With 0.02 or Greater	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license. An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution.

REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE	
<i>Suspended License*</i>	<i>Revoked License*</i>
<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW Pay \$150 driver's license reissue fee Driver's ability test NOT required 	<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW Pay \$150 driver's license reissue fee Satisfactorily complete a driver's ability test

* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

COURT - 1999 DUI Sentencing Grid

<p>"Prior Offense" includes the following: (as defined in RCW 46.61.5055 as amended by Ch. 211 and 214 Laws of 1998)</p>		
<p>Original Convictions for the following:</p> <p>(1) DUI (RCW 46.61.502) (or an equivalent local ordinance)</p> <p>(2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance)</p> <p>(3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence</p> <p>(4) Equiv. out-of-state statute for any of the above offenses</p>	<p>Amended Convictions for the following:</p> <p><i>If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)</i></p> <p>(1) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1)</p> <p>(2) Reckless driving (RCW 46.61.500)</p> <p>(3) Reckless endangerment (RCW 9A.36.050)</p> <p>(4) Equiv. out-of-state or local ordinance for the above offenses</p>	<p>Deferred Prosecution Granted for the following:</p> <p>(1) DUI (RCW 46.61.502) (or equivalent local ordinance)</p> <p>(2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance)</p> <p>(3) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1, or equiv. local ord.), if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)</p>
<p>"Within seven years" means that the arrest for a prior offense(s) occurred within 7 years of the arrest for the current offense. (as defined in RCW 46.61.5055 as amended by Ch. 207, Laws of 1998.)</p>		

Alcohol Concentration Less Than .15 Or No Test Result	<i>No Prior Offenses Within Past 7 Years</i>	<i>One Prior Offense Within Past 7 Years</i>	<i>Two or More Prior Offenses Within Past 7 Years</i>
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)

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Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$685 total minimum fine w/statutory assessments)	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$1,000-\$5,000 (\$1,725 total minimum fine w/statutory assessments)
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
Ignition Interlock Device	Court may order**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
Alcohol Concentration At Least .15 or Greater Or Test Refusal	<i>No Prior Offenses Within Past 7 Years</i>	<i>One Prior Offense Within Past 7 Years</i>	<i>Two or More Prior Offenses Within Past 7 Years</i>
Jail Time***	2-365 Days (2 consecutive days non-suspendable)	45-365 Days (45 days non-suspendable)	120-365 Days (120 days non-suspendable)
Electronic Home Monitoring*	In lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$750-\$5,000 (\$1,325 total minimum fine w/statutory assessments)	\$1,500-\$5,000 (\$2,525 total minimum fine w/statutory assessments)
Driver's License	1-Year Revocation	900-Day Revocation	4-Year Revocation
Ignition Interlock Device	Not Less Than 1 Year**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

* Electronic Home Monitoring: For first time offenders, the electronic home monitoring option in lieu of the mandatory minimum jail time is effective June 11, 1998. Effective March 16, 1999, courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. (Chapter 5, Laws of 1999)

** Ignition Interlock: For a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(a) not less than 5 years, for a person previously ordered to install ignition interlock under RCW 46.20.720 (3)(b) not less than 10 years. *Note: RCW 46.20.720 (3)(a) and (3)(b) are effective January 1, 1999. For application in DUI Deferred Prosecution, see: RCW 10.05.140, as amended Ch. 331, Laws of 1999, effective May 14, 1999*

*** Mandatory conditions of probation if any jail time is suspended: (*Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW 46.61.5055 as amended by Ch. 206, Laws of 1998, effective June 11, 1998. See also Ch 56, Laws of 1999, effective 7/25/99.*) (i) The individual is not to drive a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future, (ii) the individual is not to drive a motor vehicle within this state while having an alcohol concentration of .08 or more within two hours after driving, (iii) the individual is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor.

Case Name: _____ Cause No: _____

ATTACHMENT B: Paragraph 6(1); Sex Offense, kidnapping offense involving a minor, communicating with a minor and other offenses listed in RCW 9A.44
(If required, attach to Statement of Defendant on Plea of Guilty.)

Because this crime involves a sex offense, a kidnapping offense involving a minor, communicating with a minor or other offense listed in RCW 9A.44, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry out a vocation in Washington, or attend school in Washington, I must register within 30 days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving, and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State.

If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution.

If I lack a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody or within 14 days after ceasing to have a fixed residence. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis if I have been classified as a risk level II or III or on a monthly basis if I have been classified as a risk level I or II. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

~~If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Madsen, J. _____ Guy, C.J. _____
Talmadge, J. _____

RAP 15.2

WSR 00-01-025
RULES OF COURT
STATE SUPREME COURT

[December 2, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO RAP 15.2) NO. 25700-A-671

The Court having recommended the adoption of the proposed amendment to RAP 15.2, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December, 1999.

Smith, J. _____ Ireland, J. _____
Johnson, J. _____ Sanders, J. _____
Alexander, J. _____

DETERMINATION OF INDIGENCY
AND RIGHTS OF INDIGENT PARTY

(a) **Motion for Order of Indigency.** A party seeking review in the Court of Appeals or the Supreme Court partially or wholly at public expense must move in the trial court for an order of indigency. The motion must be supported by an affidavit setting forth the moving party's total assets; the expenses and liabilities of the party; a statement of the amount, if any, the party can contribute toward the expense of review; a statement of the expenses the party wants waived or provided at public expense; a brief statement of the nature of the case and the issues sought to be reviewed; and a designation of those parts of the record the party thinks are necessary for review; ~~and a statement that review is sought in good faith. In any If the case is a civil case of a type which not listed in section (b)(2) of this rule does not involve a termination of parental rights or a disposition in a juvenile offense proceeding,~~ the party must also demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable merit and that the party has a constitutional right to review partially or wholly at public expense.

(b) **Action by the trial Superior Court.** The trial superior court shall decide the motion for an order of indigency, after a hearing if the circumstances warrant, as follows:

(1) **Denial Generally.** The trial superior court shall deny the motion if a party has adequate means to pay all of the

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expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or source of funds available to the party to pay all of the expenses of review.

(2) Review at public expense. Cases Involving Crimes, Parental Rights, Juvenile offenses, Involuntary Commitments. In a criminal case, a case involving a termination of parental rights, or a case involving a disposition in a juvenile offense proceeding, or an involuntary commitment. The trial superior court shall grant the motion and enter an order of indigency if the party seeking public funds is unable by reason of poverty to pay for all or some of the expenses for of appellate review of:

(a) criminal prosecutions or juvenile offense proceedings,

(b) dependency and termination cases under Ch. 13.34,

(d) commitment proceedings under RCW 71.05 and 71.09,

(e) civil contempt cases directing incarceration of the contemnor,

(f) petitions for writ of habeas corpus under RCW 7.36, including attorneys fees upon a showing of extraordinary circumstances, and

(g) any other case in which the party has a constitutional or statutory right to counsel at all stages of the proceeding.

Comment to section 15.2(b):

This subsection describes the kinds of cases in which the superior court enters an order of indigency itself, without action by the Supreme Court. The content of that order is described in subsection (d). If the moving party is entitled to appointed counsel, the order will appoint an attorney for the moving party as well as provide for preparation and transmittal of the record. There is a right to appointed appellate counsel in criminal cases, juvenile offense proceedings, and any case in which there is a statutory right to counsel at all stages of the proceeding, such as dependency and termination cases and civil commitment proceedings. *In re Grove*, 127 Wn.2d 221, 897 P.2d 1252 (1995). See: RCW 10.101 as to determination of indigency and RCW 10.73.150 as to the right to counsel. Absent extraordinary circumstances, however, there is no right to appointed counsel in habeas corpus actions. *Coleman v. Thompson*, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991). The superior court must address habeas petitioners' requests for counsel on a case by case basis.

An appeal from a court of limited jurisdiction may be directed to the Supreme Court, pursuant to RAP 4.3. Therefore, a court of limited jurisdiction may consider a motion for an order of indigency for the payment of the expenses for review in the Court of Appeals and Supreme Court. The procedure under this rule does not apply to appeals to the Superior Court from a court of limited jurisdiction.

(3) Other Civil Cases. If the case is a civil case which does not involve a termination of parental rights, disposition in a juvenile offense proceeding, or an involuntary commitment and in any other case, the trial court shall consider the motion for order of indigency and, if the party is unable by reason of poverty to pay for all of the expenses of review, the trial superior court shall enter findings of indigency which shall be forwarded to the Supreme Court for consider-

ation, pursuant to section (c) of this rule. The trial superior court shall determine in those findings the portion of the record necessary for review and the amount, if any, the party is able to contribute toward the expense of review. The findings shall conclude with an order to the clerk of the trial superior court to promptly transmit to the Supreme Court, without charge to the moving party, the findings of indigency, the motion for an order of indigency, the affidavit in support of the motion, and all other papers submitted in support of or in opposition to the motion. The trial superior court clerk shall promptly transmit to the Supreme Court the papers designated in the findings of indigency.

(c) Action by Supreme Court. If findings of indigency and other papers relating to the motion for an order of indigency are transmitted to the Supreme Court, the Supreme Court will determine whether an order of indigency in that case should be entered by the superior court. The determination will be made by a department of the Supreme Court on a regular motion day without oral argument and based only on the papers transmitted to the Supreme Court by the trial superior court clerk, unless the Supreme Court directs otherwise. If the Supreme Court determines that the party is seeking review in good faith, that an issue of probable merit is presented and that the party is entitled under the state or federal constitution to review partially or wholly at public expense, the Supreme Court will enter an order directing the trial court to enter an order of indigency. In all other cases, the Supreme Court will enter an order denying the party's motion for an order of indigency. The clerk of the appellate court will transmit a copy of the order to the clerk of the trial superior court and notify all parties of the decision of the Supreme Court.

(d) Order of Indigency. An order of indigency shall designate the items of expense which are to be paid with public funds and where appropriate, the items of expense to be paid by a party or the amount which the party must contribute toward the expense of review. The order shall designate the extent to which public funds are to be used for payment of the expense of the record on review, limited to those parts of the record reasonably necessary to review issues argued in good faith. The order of indigency shall appoint counsel if the party is entitled to counsel on review at public expense. The order of indigency must be transmitted to the appellate court as a part of the record on review.

(e) Continued Indigency Presumed. A party and counsel for the party who has been granted an order of indigency must bring to the attention of the trial court any significant improvement during review in the financial condition of the party. The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party's financial condition has improved to the extent that the party is no longer indigent.

(f) Appointment and Withdrawal of Counsel in Trial Court. The trial court shall determine questions relating to the appointment and withdrawal of counsel for an indigent party on review; except withdrawal as provided in section (h) and counsel appointed in a capital case, pursuant to SPRC 2 or RAP 16.25. If trial counsel is not appointed, trial counsel

must assist counsel appointed for review in preparing the record.

(g) **Review of Order of Indigency.** Only a party in a ~~criminal case of a type listed in section (b)(2) of this rule, in a case involving termination of parental rights, or a case determining whether a person is a juvenile offender~~ may seek review of an order of indigency or an order denying an order of indigency entered by a trial court. Review must be sought by a motion for discretionary review.

(h) **Withdrawal of Counsel in Appellate Court.** If counsel can find no basis for a good faith argument on review, counsel should file a motion in the appellate court to withdraw as counsel for the indigent as provided in rule 18.3(a).

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Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-01-026
RULES OF COURT
STATE SUPREME COURT**

[December 2, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 19; CrR) NO. 25700-A-672
3.4; CrRLJ 3.4; RALJ 4.3 AND APR 14)

The Washington State Bar Association having recommended the adoption of the proposed amendments to GR 19; CrR 3.4; CrRLJ 3.4; RALJ 4.3 and APR 14, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby
ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December, 1999.

	<u>Ireland, J.</u>
<u>Smith, J.</u>	<u>Sanders, J.</u>
<u>Johnson, J.</u>	<u>Alexander, J.</u>
<u>Madsen, J.</u>	<u>Guy, C.J.</u>
<u>Talmadge, J.</u>	

PROPOSED RULES OF COURT

(Published for Comment *only*)

[Pursuant to an order of the Supreme Court dated April 8, 1999, and in accordance with GR 9(i), the following proposed changes to the Rules of Court are published for comment by any interested party. Comments should be submitted to the Clerk of the Supreme Court by either U.S. mail or Internet e-mail no later than June 30, 1999. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, WA 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail may not exceed 1,500 words.

The cover sheet information as to purpose required by GR 9(d) is included herein solely for information purposes.

Proposed *amendments* to rules or sections of rules are: GR 19, APR 14, CrR 3.4, RALJ 4.3, and CrRLJ 3.4.

Additions and deletions are indicated by underlining and lining out respectively, except where the entire rule is new.]

GR 19

VIDEO CONFERENCE PROCEEDINGS

~~(a) **Criminal.** Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), conducted by video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in-person hearing, which may in the trial court judge's discretion be granted.~~

~~(b) **Agreement.** Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial judge pursuant to local court rule.~~

~~(c) **Standard for Video Conference Proceedings.** The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants. The Office of Administrator for the Courts (OAC) shall promulgate standards for facilities and equipment and provide technical assistance to courts as required.~~

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Purpose

In 1997, the Supreme Court adopted General Rule 19, which authorizes video conferences in certain preliminary criminal proceedings. The rule sets forth a number of requirements that must be satisfied and, if these are met, provides that the video conference shall be deemed "held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy."

The consensus of the WSBA committee was that the provisions of GR 19 should more logically be contained in the criminal rules, where practitioners are more apt to find them. Specifically, the committee determined that they should be added as a new section to CrR 3.4, which is entitled "Presence of the Defendant." A companion amendment to CrRLJ 3.4, the parallel rule for courts of limited jurisdiction, has also been recommended. Most of the language currently in GR 19 would thus be moved to the appropriate criminal rules, except for the sentence requiring the Office of Administrator for the Courts (OAC) to "promulgate standards for facilities and equipment and provide technical assistance as required."

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

APR 14

LIMITED PRACTICE RULE FOR FOREIGN LAW CONSULTANTS

(a) Purpose. The purpose of this rule is to authorize lawyers from a foreign country to advise or consult about foreign law and to prescribe the conditions and limitations upon such limited practice.

(b) Qualifications.

(1) To qualify as a Foreign Law Consultant applicant for admission to the limited practice of law in the State of Washington as provided in these rules, a person must:

(i) Present satisfactory proof of both admission to the practice of law, together with current good standing, in a foreign jurisdiction, and active legal experience as a lawyer or counselor at law or the equivalent in a foreign jurisdiction for at least 5 of the 7 years immediately preceding the application; and

(ii) Possess the good moral character and fitness requisite for a member of the Bar of the State of Washington; and

(iii) ~~Be an actual bona fide resident of the State of Washington; and~~

(iv) Execute under oath and file with the Bar Association two copies of an application, one of which shall be in the applicants own handwriting, in such form as may be required by the Board of Governors; and

(v) File with the application a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicants admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent,

together with a duly authenticated English translation of such certificate, if it is not in English; and

(vi) File with the application a letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or courts of original jurisdiction of such foreign country, together with a duly authenticated English translation of such certificate, if it is not in English; and

(vii) Provide with the application such other evidence of the applicants educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(viii) Pay upon the filing of the application a fee equal to that required pursuant to rule 3 (d)(2) to be paid by an attorney applicant to take the bar examination.

(2) Upon a showing that strict compliance with the provisions of subsections (b)(1)(v) or (b)(1)(vi) would cause the applicant unnecessary hardship, the Board of Governors may at its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

(c) Procedure.

(1) The Board of Governors shall approve or disapprove applications for admission of Foreign Law Consultants. Additional proof of any facts stated in the application may be required by the Board. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicants:

(i) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(ii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members ~~admitted for 3 or more years~~; and

(iii) Filing with the Bar Association in writing his or her address in the State of Washington, or the name and address of his or her registered agent as provided in APR 5(e), together with a statement that the applicant has read the Rules of Professional Conduct and Rules for Lawyer Discipline, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be enrolled as a Foreign Law Consultant and shall be entitled to the limited practice of law as specified by this rule.

(d) Scope of Practice. A Foreign Law Consultant shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule. A Foreign Law Consultant may not:

(1) Appear for a person other than the Foreign Law Consultant as lawyer in any court or before any magistrate or other judicial officer in this state (other than upon admission for a particular action or proceeding pursuant to rule 8(b)) or

prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer of this state;

(2) Prepare any deed, mortgage, assignment, discharge, lease or any other instrument affecting title to real estate located in the United States; or

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident thereof; or any instrument related to the administration of a decedent's estate in the United States; or

(4) Prepare any instrument with respect to the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of such a resident; or

(5) Render legal advice on the law of the State of Washington, of any other state or territory of the United States, of the District of Columbia or of the United States (whether rendered incident to preparation of legal instruments or otherwise) unless and to the extent that the Foreign Law Consultant is admitted to practice law before the highest court of such other jurisdiction; or

(6) In any way hold himself or herself out as a member of the Bar of the State of Washington; or

(7) Use any title other than "Foreign Law Consultant", the firm name, and/or authorized title used in the foreign country where the Foreign Law Consultant is admitted to practice. In each case, such title or name shall be used in conjunction with the name of such foreign country.

(e) Disciplinary Provisions. A Foreign Law Consultant shall be subject to the Rules for Lawyer Discipline and the Rules of Professional Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state. Jurisdiction shall continue whether or not the Consultant retains the authority for the limited practice of law in this state, and regardless of the residence of the Consultant.

(f) Continuing Requirements.

~~(1) Continuing Legal Education. Foreign Law Consultants shall comply with rule 11 concerning Continuing Legal Education.~~

(21) Annual Fee. A Foreign Law Consultant shall pay to the Bar Association its membership fee for the current year in the maximum amount required of active members admitted to practice for 3 or more years.

(32) Report. A Foreign Law Consultant shall promptly report to the Bar Association any change in his or her status in any jurisdiction where he or she is admitted to practice.

(g) Termination of License. A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Board of Governors, with or without cause, including failure to comply with the terms of this rule.

(h) Reciprocity. A Foreign Law Consultant applicant shall demonstrate that the country or jurisdiction from which he or she applies does not impose, by any law, rule or regulation, any requirements, limitations, restrictions or conditions upon the admission of members of the Washington State Bar Association as Foreign Law Consultants in that foreign country or jurisdiction which are significantly more limiting or

restrictive than the requirements of this rule. The Supreme Court may deny admission to a Foreign Law Consultant applicant upon that basis, or may impose similar limitations, restrictions or conditions upon foreign legal consultant applicants from that foreign country or jurisdiction.

Purpose

The Limited Practice Rule for Foreign Law Consultants, Admission to Practice Rule 14, was adopted in 1990. It provides for the admission to practice of lawyers from other countries for the limited purpose of advising or consulting in Washington about the laws of their home country. They may not represent persons in Washington courts, prepare pleadings, prepare documents affecting real property in the United States, prepare wills or similar instruments, handle dissolution or child custody matters, advise on the laws of Washington or the United States, or hold themselves out as members of the Bar in Washington. They must pay an annual license fee and are subject to the Rules for Lawyer Discipline and the Rules of Professional Conduct. To date, there have only been seven persons licensed as Foreign Law Consultants in Washington, from Norway, Canada, Sri Lanka, China, Japan, and Russia. The proposed amendments to APR 14 are intended to remove unnecessary impediments to admission as a Foreign Law Consultant in Washington. In addition, a new reciprocity provision is intended to protect Washington lawyers from unfair treatment in jurisdictions whose lawyers may be admitted here.

- APR 14 (b)(1)(iii): This proposed amendment would delete the requirement that a Foreign Law consultant be a resident of the State of Washington for the reason that it serves no demonstrable purpose. There is no similar requirement in the ABA Model Rule for Licensing Legal Consultants. The International Law Section, in making this recommendation, noted that in order to work in the United States foreign lawyers must comply with immigration laws regarding labor certification. They also argued that the requirements might conflict with national treaty obligations, such as the North American Free Trade Act (NAFTA).
- APR 14 (c)(1)(iii): This corollary amendment would require nonresident Foreign Law Consultants to file with the Washington State Bar Association the name and address of a registered agent, as required for nonresident active members of the bar by APR 5(e).
- APR 14 (f)(1): This proposed amendment would eliminate the continuing legal education requirement for Foreign Law Consultants. Foreign Law Consultants are limited to advising on the law of their home jurisdiction. Requiring them to meet continuing legal education on Washington law does not improve their ability to serve as Foreign Law Consultants, and generally there are no qualifying legal education programs on foreign law.
- APR 14 (c)(1)(i) and 14 (f)(2): These proposed amendments change the language regarding the annual membership fee to be paid by Foreign Law Consultants from "the amount required of active members admitted three or more years" to "the maximum amount required of active members." This change will accurately reflect

the license fee structure of the Washington State Bar Association which has been changed since the original adoption of APR 14.

APR 14(h): This proposed "reciprocity" amendment would permit the Supreme Court to deny admission to, or place additional conditions upon, applicants from foreign jurisdictions which are more limiting or restrictive in their admissions requirements for Washington lawyers to become Foreign Law Consultants in that jurisdiction.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

CrR 3.4

PRESENCE OF THE DEFENDANT

(a) - (c) **Unchanged**

(d) Video Conference Proceedings.

(1) Authorization. Preliminary appearances held pursuant to CrR 3.2B, arraignments held pursuant to this rule and CrR 4.1, bail hearings held pursuant to CrR 3.2, and trial settings held pursuant to CrR 3.3, may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an inperson hearing, which may in the trial court judge's discretion be granted.

(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrR 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

(3) Standards for Video Conference Proceedings. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

Purpose

The purpose for this amendment is set forth in the purpose statement for the amendment to General Rule 19.

RALJ 4.3

STAY OF ENFORCEMENT OF JUDGMENT

(a) **Unchanged.**

(b) Criminal Case. In a criminal case, the court of limited jurisdiction has authority, subject to RCW 9.95.062 and 9.95.064, to stay enforcement of the sentence pending appeal and to fix conditions of release of a defendant and to revoke a suspended or deferred sentence if the enforcement of the sentence is not stayed pending appeal. Where the sentence is stayed pending appeal, the court of limited jurisdiction has authority to revoke the stay upon proof of violation of the conditions of release.

Purpose

In 1995, this rule was amended for purposes of consistency with RAP 7.2(f) and RCW 9.95.062 and 9.95.064. A letter from a Washington attorney pointed out that the previous version of the rule contained a clear statement that the court of limited jurisdiction "shall stay enforcement of a sentence in a criminal case if a notice of appeal is filed by the defendant." The amendment eliminated this language and, in the opinion of the letter writer, left some doubt as to the authority of the trial to issue a stay pending appeal.

In considering this letter, the committee determined that the current language of the rule was confusing. It made more sense to the committee to allow the court to fix conditions of release when the sentence is stayed, rather than when it is not stayed. Moreover, if the sentence is not stayed, the court retains jurisdiction to enforce the sentence and no further authority in the form of a rule is required.

The proposed amendment thus states simply that the court of limited jurisdiction has authority, subject to the statutory provisions, to stay enforcement of the sentence and to fix conditions of release.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

CrRLJ 3.4

PRESENCE OF THE DEFENDANT

(a) - (c) **Unchanged**

(d) Video Conference Proceedings.

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to this rule and CrRLJ 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an inperson hearing, which may in the trial court judge's discretion be granted.

(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or

on the record, and upon the approval of the trial court judge pursuant to local court rule.

(3) Standards for Video Conference Proceedings. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

Purpose

The purpose for this amendment is set forth in the purpose statement for the amendment to General Rule 19.

WSR 00-01-032

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—December 7, 1999]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 16, 1999, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 00-01-033

**NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE**

[Memorandum—December 7, 1999]

WENATCHEE VALLEY COLLEGE
BOARD OF TRUSTEE MEETING DATES FOR YEAR 2000

UNLESS OTHERWISE NOTIFIED,
ALL MEETINGS WILL BEGIN AT 3 P.M.

THIS SCHEDULE IS SUBJECT TO CHANGE

- January 12, 2000
- February 9, 2000
- March 8, 2000
- April 12, 2000
- May 10, 2000
- June 14, 2000
- July 12, 2000
- August 9, 2000
- September 13, 2000
- October 11, 2000
- November 8, 2000
- December 13, 2000

WSR 00-01-041

OFFICE OF THE GOVERNOR

[Filed December 7, 1999, 2:10 p.m.]

**NOTICE OF APPEAL
(RCW 34.05.330(3))**

On December 6, 1999, the governor received an appeal pursuant to RCW 34.05.330(3) of the November 4, 1999, denial by the Department of Natural Resources Forest Practices Board of that certain PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE, dated December 3, 1999, filed by T. Wade Clegg III, seeking repeal of WAC 222-38: Forest chemicals as related to organic farms.

DATED the 7th day of December, 1999.

Everett H. Billingslea
General Counsel to the Governor

WSR 00-01-046

**NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION**

[Memorandum—December 3, 1999]

WAC 135-04-020 provides that the Washington State Conservation Commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. Changes to this schedule for 2000 were adopted by the Conservation Commission at its December 1, 1999, regular meeting held in Kennewick, Washington.

The 2000 regular meeting schedule for the Conservation Commission will be:

- Wednesday, January 19, 2000
- Thursday, March 16, 2000
- Thursday, May 18, 2000
- Thursday, July 20, 2000
- Thursday, September 21, 2000
- Wednesday, November 29, 2000

For further information, contact Vicki Flynn, Conservation Commission, P.O. Box 47721, Olympia, WA 98504-7721, phone (360) 407-6202.

WSR 00-01-047

**NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD**

[Memorandum—December 6, 1999]

In accordance with RCW 28B.80.420, 42.30.075, and WAC 250-10-070, the Higher Education Coordinating Board established the enclosed board meeting schedule for 2000, at its regular meeting held December 3, 1999. The meetings begin at 9 a.m. unless public notice is given prior to the meeting in question establishing a different starting time.

MISC.

If anyone wishes to request disability accommodations, notice should be given to the Higher Education Coordinating Board, at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7800 (voice); (360) 753-7809 (TDD); or (360) 753-7808 (fax).

2000 HECB Meeting Schedule

DAY/DATE	TYPE	TENTATIVE LOCATION
January 27 (Thurs.)	Regular meeting	Bellevue Community College, Bellevue
January 28 (Fri.)	Board Planning	
February	No meeting	
March 30 (Thurs.)	Regular meeting	Lake Washington School District, Seattle
April	No meeting	
May 25 (Thurs.)	Regular meeting	WWU, Bellingham
June	No meeting	
July 25-26 (Tue./Wed.)	Board planning/ Regular meeting	CWU, Ellensburg
August	No meeting	
September 21 (Thurs.)	Regular meeting	WSU, Pullman
October 26 (Thurs.)	Regular meeting	Olympia
November	No meeting	
December 1 (Fri.)	Regular meeting	UPS, Tacoma

WSR 00-01-048
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
CLEAN AIR AGENCY
 [Memorandum—December 8, 1999]

PUGET SOUND CLEAN AIR AGENCY
BOARD OF DIRECTORS
REGULAR MONTHLY MEETINGS
MEETING DATES FOR YEAR 2000

REGULAR MONTHLY MEETINGS	STUDY SESSIONS
January 13, 2000	
February 10, 2000	February 24, 2000
March 9, 2000	
April 13, 2000	April 27, 2000
May 11, 2000	
June 8, 2000	June 22, 2000
July 13, 2000	
August 10, 2000	August 24, 2000
September 14, 2000	
October 12, 2000	October 26, 2000
November 9, 2000	
December 14, 2000	December 28, 2000

WSR 00-01-053
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—December 6, 1999]

The board of trustees of Bates Technical College will meet in informal session on December 8, 1999. This is part of Bates' "Connecting with the Community" series, which has heretofore convened at regularly scheduled board meetings.

The time/location of that meeting will be from 3-5:00 p.m. in the Olympic/Cascade Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405.

"Connecting with the Community" initiates dialogue between Bates and community business/ethnic organizations to promote better understanding of needs and solutions. As we continue this series, we will notify you of each meeting.

WSR 00-01-054
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE

(Commission of Pesticide Registration)

[Memorandum—December 6, 1999]

REGULAR MEETING DATES FOR
WASHINGTON STATE COMMISSION
ON PESTICIDE REGISTRATION

The Washington State Commission on Pesticide Registration has determined a schedule for the first half of 2000. Per RCW 42.30.075, we are making this schedule available to the public through your office. Meetings commence at 10 a.m. and are open to the public.

Friday, January 7	Sea-Tac, Holiday Inn
Thursday, March 9	Moses Lake, Shilo Inn
Wednesday, May 17	Puyallup, Almondinger Center

Proposals are accepted throughout the year but must be received thirty days prior to the meeting at which they will be presented. September and January meetings are designated for new mandate proposals. November, March and July meetings are designated for old mandate project proposals. Emergency requests will be accepted at any meeting. Examples available: <http://wscpr.org>.

Should you have any further questions in regard to WSCPR proposals or meeting specifics, please contact Alan Schreiber, 4518 Desert Drive, Pasco, WA 99301, (509) 543-9757, fax (509) 543-9758, aschreib@cbvcp.com; or Tanya Wojtowych, P.O. Box 145, Genesee, ID 83832, (208) 285-0121, fax (208) 285-0165, juliana@moscow.com.

MISC.

WSR 00-01-056
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—December 8, 1999]

The Art Committee of Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, December 15, 1999, at 10:00 a.m. in Room 309 of the Convention Center, 800 Convention Place, Seattle.

The WSCTC Marketing Committee will meet on Wednesday, December 15, 1999, at 12:30 p.m. in the Level 5 Board Room of the Convention Center.

A regular meeting of the WSCTC board of directors will be held on Wednesday, December 15, 1999, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

WSR 00-01-062
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE

[Memorandum—December 8, 1999]

Meetings of the board of trustees of Community College District VIII for 2000 will be held on the following dates:

January 26

March 6

April 18

May 24

June 28

September 27

November 1

December 6

The meetings will begin with a study session at 12:30 p.m. in the Board Room (B201), Bellevue Community College campus, Bellevue, Washington, followed by a business session at 1:30 p.m. In the event the board of trustees is unable to meet on the scheduled meeting date, a meeting may be scheduled and held as soon as possible, thereafter, or as otherwise announced. In the event the board of trustees is unable to meet, the chair of the board may order that no scheduled meeting of the board of trustees be held that month.

WSR 00-01-063
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY

[Memorandum—December 10, 1999]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority

has four regular board meetings each year, one per quarter. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority. We would like to have the board meeting schedule for 2000 published in the next issue of the State Register.

All meetings will be held in the Seattle World Trade Center (Cascadia Club) on the mezzanine level of the main terminal building, SeaTac International Airport, SeaTac, Washington. All meetings will begin at 10 a.m. The meeting dates are: Wednesday, March 15th, Wednesday, June 7th, Wednesday, September 20th, and Wednesday, December 13th.

Please call (206) 587-5634 if you have any questions.

WSR 00-01-064
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY

[Memorandum—December 9, 1999]

NOTICE OF SPECIAL MEETING

WESTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES

Thursday, December 16, 1999

2 p.m.

70th Floor, Columbia Center

701 Fifth Avenue

Seattle, WA 98104

AGENDA: To consider approval of the sale of bonds for the Viking Union renovation.

WSR 00-01-075
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Filed December 13, 1999, 4:28 p.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

WAC 246-887-160 Adding Dronabinol to Schedule III of the Uniform Controlled Substances Act

RCW 69.50.201 (2)(e) allows the Board of Pharmacy to adopt Drug Enforcement Administration (DEA) scheduling orders without the need for issuance of a Notice of Proposed Rule under chapter 34.05 RCW. Notice of proposed rule making was published in the August 18, 1999, WSR 99-16-116. No objection to the proposed rule was received. On October 4, 1999, the board adopted the rule.

M. Kleinberg
Board Chair

AMENDATORY SECTION (Amending WSR 97-21-054, filed 10/13/97, effective 11/13/97)

WAC 246-887-140 Schedule II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine hydrochloride;
- (x) Hydrocodone;
- (xi) Hydromorphone;
- (xii) Metopon;
- (xiii) Morphine;
- (xiv) Oxycodone;
- (xv) Oxymorphone; and
- (xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoylcegonine (cocaine—its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its

isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol - also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone—Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;
- (17) Moramide—Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
- (18) Pethidine (meperidine);
- (19) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
- (20) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- (21) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (22) Phenazocine;
- (23) Piminodine;
- (24) Racemethorphan;
- (25) Remifentanil;
- (26) Racemorphan;
- (27) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Methamphetamine, its salts, optical isomers, and salts of optical isomers;
- (3) Phenmetrazine and its salts;
- (4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Glutethimide;
- (3) Pentobarbital;
- (4) Phencyclidine;
- (5) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

(3) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Hallucinogenic substances.

(1) ~~((Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)~~

(2)) Nabilone. (Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.)

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-01-032, filed 12/12/95, effective 1/12/96)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Lysergic acid;

(6) Lysergic acid amide;

(7) Methyprylon;

(8) Sulfondiethylmethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane;

(11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one flupyzapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;

(2) Chlorotestosterone;

(3) Clostebol;

(4) Dehydrochlormethyltestosterone;

(5) Dehydroepiandrosterone;

(6) Dihydrotestosterone;

(7) Drostanolone;

(8) Ethylestrenol;

(9) Fluoxymesterone;

(10) Formebolone (Formebolone);

(11) Mesterolone;

(12) Methandienone;

(13) Methandranone;

(14) Methandriol;

(15) Methandrostenolone;

(16) Methenolone;

(17) Methyltestosterone;

(18) Mibolerone;

- (19) Nandrolone;
- (20) Norethandrolone;
- (21) Oxandrolone;
- (22) Oxymesterone;
- (23) Oxymetholone;
- (24) Stanolone;
- (25) Stanozolol;
- (26) Testolactone;
- (27) Testosterone;
- (28) Trenbolone; and

(29) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Oestradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN

MISC.

Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol ((Cypionate)) Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-01-082

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—December 10, 1999]

At their December 9, 1999, regular meeting the South Puget Sound Community College board of trustees changed their February 10, 2000, meeting to February 16, 2000, their March 9, 2000, meeting to March 16, 2000, and their April 13, 2000, meeting to April 20, 2000.

BOARD OF TRUSTEES

**SOUTH PUGET SOUND COMMUNITY COLLEGE
DISTRICT XXIV**

**Regular Meeting Schedule
1999-00**

DATE	TIME
Wednesday, August 11, 1999	Tentative
Thursday, September 2, 1999	3:00 p.m.
Tuesday, October 12, 1999	3:00 p.m.
Wednesday, November 10, 1999	3:00 p.m.
Thursday, December 9, 1999	3:00 p.m.
Thursday, January 13, 2000	3:00 p.m.
*Wednesday, February 16, 2000	3:00 p.m.
*Thursday, March 16, 2000	3:00 p.m.
*Thursday, April 20, 2000	3:00 p.m.
Thursday, May 11, 2000	3:00 p.m.
Thursday, June 8, 2000	3:00 p.m.

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit,

MISC.

If you have any questions, please contact 754-7711 ext. 202.

WSR 00-01-083
NOTICE OF PUBLIC MEETINGS
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
 [Memorandum—December 10, 1999]

Please find listed below the dates and locations for the 2000 regularly scheduled meeting of the Washington Board of Registration for Professional Engineers and Land Surveyors.

2000 WASHINGTON BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	MEETING LOCATION
January 25-26, 2000	SeaTac, WA
February 20 (Practice Committee only)	TBD
March 8-9, 2000	Tacoma, WA
May 10-11, 2000	Tacoma, WA
June 14-15, 2000	Bellingham, WA
July 12, 2000 (Practice Committee only)	TBD
August 16-17, 2000	Tacoma, WA
September 20-21, 2000	Tacoma, WA
November 15-16, 1998 [2000]	SeaTac, WA
December 13, 2000 (Practice Committee only)	TBD

If you need special accommodation, please call (360) 753-6966 or TDD (360) 586-2788.
 Please contact 586-3361 if you have questions.

WSR 00-01-090
RULES COORDINATOR
LOWER COLUMBIA COLLEGE
 [Memorandum—November 18, 1999]

Per RCW 34.05.312, I am listing below the name, office location, mailing address, and telephone number of the rules coordinator for Lower Columbia College District 13, so that this information may be published in the first issue of the *Washington State Register* for the 2000 calendar year.

Rules coordinator: Linda Peck, President's Office, Lower Columbia College, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone (360) 577-2322.

James L. McLaughlin
 President

WSR 00-01-091
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON TECHNICAL COLLEGE
 [Memorandum—December 13, 1999]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following dates when the Lake Washington Technical College board of trustees are scheduled to hold regular meetings during 2000:

- Monday, January 10, 2000
- Monday, February 7, 2000
- Monday, March 6, 2000
- Monday, April 3, 2000
- Monday, May 8, 2000
- Monday, June 5, 2000
- Monday, July 10, 2000
- Monday, August 7, 2000
- Tuesday, September 5, 2000
- Monday, October 2, 2000
- Monday, November 6, 2000
- Monday, December 4, 2000

Work sessions begin at 6:00 p.m in Room W302E at the college, the regular meeting agenda begins at 7:00 p.m. in Room W305A at the college.

In the event it is necessary to change any of these meeting dates appropriate advertising will take place.

WSR 00-01-100
PROCLAMATION
OFFICE OF THE GOVERNOR
 [Filed December 16, 1999, 11:37 a.m.]

TERMINATING STATE OF EMERGENCY

I, **GARY LOCKE**, Governor of the state of Washington, pursuant to RCW 43.06.210, do hereby terminate the Proclamation of November 30, 1999, effective as of December 5, 1999. The proclamation, now terminated, declared a State of Emergency in the City of Seattle and King County for the World Trade Organization-related civil disturbances in the City of Seattle and King County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 16th day of December, A.D., Nineteen Hundred and Ninety-Nine.

Gary Locke

 Governor of Washington

BY THE GOVERNOR:
 Donald F. Whiting

 Assistant Secretary of State

MISC.

WSR 00-01-109
AGENDA
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed December 17, 1999, 9:50 a.m.]

RULES DEVELOPMENT AGENDA
OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION
December 16, 1999

This agenda is prepared pursuant to RCW 34.05.314. The commission is currently reviewing proposed changes to chapters 391-45 and 391-95 WAC. This effort is being undertaken as part of the third-year phase of the four-year rules review process mandated by Executive Order 97-02. The following sections of chapter 391-45 WAC are being reviewed for possible change:

- 1) 391-45-001 Scope—Contents—Other rules.
- 2) 391-45-002 Sequence and numbering of rules—Special provisions.
- 3) 391-45-010 Complaint charging unfair labor practices—Who may file.
- 4) 391-45-030 Form—Number of copies—Filing—Service.
- 5) 391-45-050 Contents of complaint charging unfair labor practices.
- 6) 391-45-070 Amendment.
- 7) 391-45-090 Withdrawal.
- 8) 391-45-110 Preliminary ruling by executive director.
- 9) 391-45-130 Examiner—Who may act.
- 10) 391-45-170 Notice of hearing.
- 11) 391-45-190 Answer—Filing and service.
- 12) 391-45-210 Answer—Contents and effect of failure to answer.
- 13) 391-45-230 Amendment of answer.
- 14) 391-45-250 Motion to make complaint more definite and certain.
- 15) 391-45-260 Settlement conference.
- 16) 391-45-270 Hearings—Nature and scope.
- 17) 391-45-290 Briefs and proposed findings.
- 18) 391-45-310 Examiner decision.
- 19) 391-45-330 Withdrawal or modification of examiner decision.
- 20) 391-45-350 Appeals.
- 21) 391-45-390 Commission action on appeals.
- 22) 391-45-410 Unfair labor practice remedies.
- 23) 391-45-430 Motion for temporary relief.
- 24) 391-45-550 Collective bargaining—Policy.
- 25) 391-45-552 Special provision—Educational employees.

The following sections of chapter 391-95 WAC are being reviewed for possible change:

- 1) 391-95-001 Scope—Contents—Other rules.
- 2) 391-95-010 Union security—Obligation of exclusive bargaining representative.
- 3) 391-95-030 Union security—Assertion of right of nonassociation.
- 4) 391-95-050 Union security—Response by exclusive bargaining representative.
- 5) 391-95-070 Union security—Disputes resolved by commission.
- 6) 391-95-090 Union security—Petition form—Number of copies—Filing—Service.
- 7) 391-95-110 Union security—Contents of petition.

- 8) 391-95-130 Union security—Escrow of disputed funds by employer.
- 9) 391-95-150 Union security—Initial processing by executive director.
- 10) 391-95-170 Union security—Prehearing conference—Notice of hearing.
- 11) 391-95-190 Union security—Hearings—Who shall conduct.
- 12) 391-95-230 Hearings—Nature and scope.
- 13) 391-95-250 Examiner decision.
- 14) 391-95-260 Withdrawal or modification of examiner decision.
- 15) 391-95-270 Appeals.
- 16) 391-95-290 Commission action on appeals.
- 17) 391-95-310 Implementation.

The following sections of chapter 391-08 WAC are being reviewed for possible change:

- 1) 391-08-001 Application and scope of chapter 391-08 WAC.
- 2) 391-08-010 Appearance and practice before agency—Who may appear.
- 3) 391-08-120 Filing and service of papers.
- 4) 391-08-180 Continuances.
- 5) 391-08-230 Summary judgment.
- 6) 391-08-310 Subpoenas—Form—Issuance to parties.

Please contact Mark S. Downing, Rules Coordinator, at (360) 753-2955 if you have any questions concerning this matter.

WSR 00-01-112
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Red Raspberry Commission)
 [Memorandum—December 14, 1999]

The Washington Red Raspberry Commission's 2000 schedule of board meetings is:

- | | |
|----------------------|------------------------|
| January 6, 4:00 p.m. | Sea-Tac Marriott Hotel |
| April 12 | Bellingham |
| September 20 | Bellingham |
| November 15 | Bellingham |
| December 7 | Bellingham |

WSR 00-01-113
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—December 15, 1999]

AMENDMENT TO
NOTICE OF SPECIAL MEETING
WESTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES

Thursday, December 16, 1999

MISC.

**70th Floor, Columbia Center
701 Fifth Avenue
Seattle, WA 98104**

NOTE: THE SPECIAL MEETING OF THE BOARD OF TRUSTEES IS HEREBY CHANGED FROM 2 p.m. to 1:30 p.m.

AGENDA: To consider approval of the sale of bonds for the Viking Union renovation. (No change in agenda.)

WSR 00-01-114

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—December 15, 1999]

Following is the schedule of meetings of the Washington State Human Rights Commission for 2000.

**COMMISSION MEETING DATES AND LOCATIONS
FOR 2000**

**(Thursday/Friday Meetings
Unless Otherwise Indicated)**

DATES	LOCATION
January 27-28	Seattle
February 24-25	Silverdale
March 23-24	Olympia
April 28 (Friday)	Olympia (Conference Call)
May 18-19	Spokane
June 22-23	Yakima
July 27-28	Bellingham
August 25 (Friday)	Olympia (Conference Call)
September 28-29	Tacoma
October 26-27	Longview/Vancouver
November 17 (Friday)	Olympia (Conference Call)
December 15 (Friday)	Olympia (Conference Call)

With the exception of the conference calls the usual format for the meetings is a planning session or community meeting on Thursday evening from 7:00 p.m. - 9:00 p.m. and a regular business meeting beginning at 9:00 a.m. on Friday.

Please contact 753-4876 if you have questions or need additional information.

WSR 00-01-115

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Asparagus Commission)

[Memorandum—December 15, 1999]

As required by RCW 42.30.075, the Washington Asparagus Commission wishes to file for publication in the Washington State Register, the following schedule of meetings:

Tuesday, January 18, 2000 9:00 a.m.	DoubleTree Hotel 2525 North 20th Pasco, WA
Tuesday, April 11, 2000 9:00 a.m.	Washington Asparagus Commission Office 2705 St. Andrews Loop Pasco, WA
Tuesday, July 18, 2000 10:00 a.m.	WSU Extension Office Walla Walla, Washington
Tuesday, October 17, 2000 10:00 a.m.	Hickenbottom & Sons 301 Warehouse Avenue Sunnyside, WA

WSR 00-01-116

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**

(Real Estate Commission)

[Memorandum—December 15, 1999]

The Washington Real Estate Commission has established the following regular meeting commission schedule for 2000.

**WASHINGTON REAL ESTATE COMMISSION
2000 REGULAR MEETING SCHEDULE**

DATE		LOCATION
March 15th (Wednesday)	Annual Planning Session	Olympia
March 16th (Thursday)	Regular Meeting	Tumwater (L&I)
June 14th (Wednesday)	Regular Meeting	Olympia
September 19th (Tuesday)	Regular Meeting	Spokane
December 1st (Friday)	Regular Meeting	Olympia

WSR 00-01-119

**NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS**

[Memorandum—December 6, 1999]

The Board of Tax Appeals will hold its regular 2000 meetings at 10 a.m. on March 9, June 8, September 14, and December 14, 2000. The meetings will be held at the board's offices, 910 5th Avenue S.E., Olympia, WA 98504-0915.

WSR 00-01-121

**POLICY STATEMENT
DEPARTMENT OF HEALTH**

[Filed December 17, 1999, 4:34 p.m.]

NOTICE OF ADOPTION OF POLICY

Title of Policy: Guidelines for Minimizing Bare Hand Contact with Ready-To-Eat Foods.

Effective Date: New December 1, 1999.

MISC.

Issuing Agency: Department of Health (DOH), Environmental Health Programs, Office of Food Safety and Shellfish Programs.

Description: The policy specifies the steps food service establishment operators can take to comply with WAC 246-215-030 related to minimizing bare hand contact with ready-to-eat foods. While bare hand contact with food is not prohibited in this state, active efforts must be made to monitor food worker hand washing and to increase the use of barriers (e.g. scoops, tongs, spatulas, deli tissues, single-service gloves, etc.).

Contact: David Gifford, Office of Food Safety and Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3074, Internet dave.gifford@doh.wa.gov.

WSR 00-01-137

NOTICE OF PUBLIC MEETINGS

CLARK COLLEGE

[Memorandum—December 16, 1999]

At its meeting on December 15, 1999, the Clark College board of trustees adopted its meeting schedule for calendar year 2000. The board will meet on the following dates:

- January 26
- February 23
- March 15
- April 26
- May 24
- June 28
- (no meeting in July)
- August 23
- September 27
- October 25
- November 15
- December 13

WSR 00-01-140

NOTICE OF PUBLIC MEETINGS

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—December 17, 1999]

The Workforce Training and Education Coordinating Board will hold a work session at their offices at Building #17 Airdustrial Way, Olympia, WA 98504 on January 4, 2000, from 1:00 p.m. to 5:00 p.m.

Please call if you have any questions 753-5677.

WSR 00-01-141

INSURANCE COMMISSIONER'S OFFICE

[Filed December 20, 1999, 2:50 p.m.]

In the Matter of Disclaimer of)
Control in relation to the)
Acquisition of PACIFICARE OF) No. G 99 - 55
WASHINGTON, INC., A Regis-)
tered health maintenance) NOTICE OF HEARING
Organization.)

TO: Christopher P. Wing, President
PacifiCare of Washington, Inc.
Post Office Box 9005
Mercer Island, Washington 98040

Jean Margo Reid
Sr. Vice President and General Counsel
Sanford C. Bernstein & Co., Inc.
767 Fifth Avenue
New York, New York 10153-0185

PacifiCare Health Systems, Inc., is a Delaware domestic insurance holding company. PacifiCare Health Systems, Inc. is the ultimate controlling person of the following Washington domestic insurance company:

PacifiCare of Washington, Inc.

Sanford C. Burnstein & Co., Inc. filed its disclaimer of control as to the identified Washington domestic insurer in anticipation of its acquisition of 10% or more of the voting stock of PacifiCare Health Systems, Inc.

The acquisition of a domestic Washington insurance company is controlled by Chapter 48.31B RCW. RCW 48.31B.005 establishes a presumption of control "if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person."

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing Friday, January 28, 2000, at 10:00 a.m. in the 2nd Floor Conference Room at 420 Golf Club Road, Lacey, Washington 98503, to consider all appropriate action concerning the proposed acquisition of PacifiCare of Washington, Inc. as described in the Disclaimer of Control attached to this notice as Exhibit A.

The hearing will be held under the authority granted the Commissioner by RCW 48.02.060(3) and RCW 48.31B.-025(11).

The basic facts relied upon are those set forth in the Disclaimer of Control filed with the Commissioner. The complete Disclaimer of Control will be made part of the record of the hearing.

The Commissioner has not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed

MISC.

by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

The Commissioner will be represented by James Tompkins, Assistant Deputy Commissioner.

Deputy Insurance Commissioner James T. Odiorne has been designated to hear and determine this matter. His address is Office of the Insurance Commissioner, Post Office Box 40259, Olympia, Washington 98504-0259. His telephone number is (360) 407-0420.

ENTERED AT OLYMPIA, WASHINGTON, this 14th day of December, 1999.

DEBORAH SENN
Insurance Commissioner
By:
JAMES T. ODIORNE, CPA, JD
Deputy Insurance Commissioner
Company Supervision Division

WSR 00-01-146
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Memorandum—December 20, 1999]

As required by RCW 42.30.075, Open Public Meetings Act, the following schedules are submitted for publishing in the Washington State Register.

The Washington State Parks and Recreation Commission has adopted the following schedule of regular meetings for the year 2000:

Date	Location
January 28	Olympia
March 10	Goldendale
April 28	Port Townsend
June 9	Spokane
July 21	Anacortes
September 22	Long Beach
November 3	Richland
December 15	Kenmore

All commission meetings will begin at 9 a.m. The locations of the meetings are yet to be determined and will be announced at the close of each regular meeting. The commission will conduct a tour of nearby state parks or other recreation facilities on the day receding or subsequent to the commission meeting. The following is the year 2000 tour schedule.

Day/Date	Location
Thursday, January 27	Olympia Area

Thursday, March 9	Goldendale Area
Saturday, April 29	Port Townsend
Saturday, June 10	Spokane Area
Saturday, July 22	Anacortes Area
Saturday, September 23	Long Beach Area
Saturday, November 4	Richland Area
Thursday, December 14	Kenmore Area

Details on the commission tours of state parks and meeting locations may be obtained by writing to the Director, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

The state Parks and Recreation Commissions' Snowmobile Advisory Committee has adopted the following schedule of regular meetings for the year 2000:

Date	Location
February 5	Okanogan
July 28-30	Wenatchee

The state Parks and Recreation Commissions' Winter Recreation (Sno-Park) Advisory Committee has adopted the following schedule of regular meetings for the year 2000:

Date	Location
January 29	Naches
August 4-6	Wenatchee

All Snowmobile Advisory Committee and Winter Recreation Advisory Committee meetings will begin at 8 a.m. The meeting locations of the Snowmobile and the Winter Recreation Advisory Committees may be obtained by writing to Roxie Stancil, Washington State Parks, P.O. Box 42662, Olympia, WA 98504-2650, or by calling (360) 902-8552.

The state Parks and Recreation Commissions' Water Trails Advisory Committee has adopted the following schedule of regular meetings for the year 2000:

Date	Location
February 3	Seattle
September 26	Seattle

All Water Trails Advisory Committee meetings will begin at 10 a.m. The location of the Water Trails Advisory Committee for the Year 2000, is at Recreational Equipment Inc., 222 Yale Avenue North in Seattle. Additional information regarding the Water Trails Advisory Committee may be obtained by writing to Bonnie Steinley, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8519.

The public is welcome to attend all state Parks and Recreation Commission meetings. Meeting sites will be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

MISC.

WSR 00-01-147
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
 [Memorandum—December 20, 1999]

The Washington Fish and Wildlife Commission has scheduled the following meetings, workshops, and conference calls for 2000:

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
January 13	conference call	Olympia
January 14-15	workshop	Olympia
January 27	conference call	Olympia
February 4-5	meeting	Anacortes
February 10	conference call	Olympia
February 24	conference call	Olympia
March 9	conference call	Olympia
March 17-18	workshop	Olympia
March 23	conference call	Olympia
April 7-8	meeting	Yakima
April 13	conference call	Olympia
April 27	conference call	Olympia
May 11	conference call	Olympia
May 25	conference call	Olympia
June 8	conference call	Olympia
June 9-10	workshop	Olympia
June 22	conference call	Olympia
July 13	conference call	Olympia
July 27	conference call	Olympia
August 10	conference call	Olympia
August 11-12	meeting	Seattle
August 24	conference call	Olympia
September 14	conference call	Olympia
September 28	conference call	Olympia
October 6-7	workshop	Olympia
October 12	conference call	Olympia
October 26	conference call	Olympia
November 3-4	workshop	Olympia
November 9	conference call	Olympia
November 22	conference call	Olympia
December 8-9	meeting	Clarkston
December 14	conference call	Olympia
December 28	conference call	Olympia

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis.

WSR 00-01-157
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—December 20, 1999]

The State Board of Education will meet for regular business at the locations listed on the following dates in the year 2000:

January 10-12, 2000

The Long House @
 The Evergreen State College
 2700 Evergreen Parkway N.W.
 Olympia, WA 98505
 (360) 866-6000

March 22-24, 2000

The Long House @
 The Evergreen State College
 2700 Evergreen Parkway N.W.
 Olympia, WA 98505
 (360) 866-6000

April 17-18, 2000

WIAA Headquarters Building
 435 Main Avenue South
 Renton, WA 98055
 (425) 687-8585
 (Approval of Preparation Programs)

May 17-19, 2000

Educational Service District 113
 601 McPhee Road S.W.
 Olympia, WA 98502-5080
 (360) 586-2933

June 8, 2000

Seattle Christian Schools
 18301 Military Road South
 SeaTac, WA 98188
 (206) 246-8241

August 23-25, 2000

Lake Washington School District Board Room
 16250 N.E. 74th Street
 Redmond, WA 97039
 (425) 702-3200

October 25-27, 2000

Evergreen School District Board Room
 13501 N.E. 28th Street
 Vancouver, WA 98668-8910
 (360) 604-4000

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WSR 00-01-161
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
 [Memorandum—December 21, 1999]

2000 Meeting Schedule of the Board of Trustees
Second Tuesday of the Month at 2:00 p.m.
Board Room in the Laidlaw Center

Whatcom Community College
237 West Kellogg Road
Bellingham, WA 98226

- January 11
- February 8
- March 14
- April 11
- May 9
- June 13
- July 11
- August (no meeting)
- September 12
- October 10
- November 14
- December 12

WSR 00-01-162
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
 [Memorandum—December 16, 1999]

The Grays Harbor College board of trustees will meet in the boardroom in the Joseph A. Malik Administration Building on the following dates at 7:00 p.m.

- January 18, 2000
- February 15, 2000
- March 21, 2000
- April 18, 2000
- May 16, 2000
- June 20, 2000
- July 18, 2000
- September 19, 2000
- October 17, 2000
- November 21, 2000

WSR 00-01-183
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Hop Commission)
 [Memorandum—December 20, 1999]

The Washington Hop Commission has adopted a schedule for 2000 regular and annual meetings. Per WAC 16-532-020 (11)(a) we are required to hold four regular and one annual meeting each year. We file the following information, as required by RCW 42.30.075:

February 29	Yakima
April 4	Zillah
June 6	Prosser
October 12	Sunnyside
December 8	Yakima (annual meeting)

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of each meeting.

WSR 00-01-194
DEPARTMENT OF ECOLOGY
 [Filed December 22, 1999, 11:00 a.m.]

NOTICE OF REISSUANCE OF THE
GENERAL PERMIT FOR HATCHERIES

Introduction: Ecology is proposing to reissue a wastewater discharge permit for the upland fin-fish hatching and rearing industry. The last permit was issued February 3, 1995, and will expire on April 1, 2000. The purpose of the permit is to control the discharge of pollutants from hatcheries into waters of the state. The permit contains best management practices; and effluent limitations and monitoring requirements necessary to protect state water quality. Interested persons and Indian Nations are encouraged to submit comments on the proposed permit and attend the public workshop and hearing described below. Written comments must be postmarked by February 11, 2000.

The proposed permit implements the Federal Clean Water Act, the State Water Pollution Control Act and chapter 173-221A WAC, Wastewater discharge standards and effluent limitations. Dischargers who require coverage under this permit include all state and private hatcheries that produce more than 20,000 pounds of fish per year or feed more than 5,000 pounds per month.

Public Workshop/Hearing: Public workshop and hearing on the proposed reissuance of the upland fin-fish hatching and rearing permit will be held on February 10, 2000. The purpose of the workshops are to explain the permit conditions, answer questions and facilitate meaningful testimony during the hearing. The purpose of the hearings are to provide interested parties an opportunity to give formal oral testimony and comment on the proposed general permit. The workshop and hearing will be held at the Washington State

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Department of Ecology, Main Auditorium, 300 Desmond Drive, Lacey, WA 98503.

The public workshop will begin at 7:00 p.m. and last until 8:00 p.m. The formal public hearing will begin at 8:00 p.m.

Small Business Economic Impact Statement: Ecology has determined that the small business economic impact statement, prepared for the initial issuance of the upland fin-fish hatching and rearing permit, remains valid and satisfies the requirements for an economic impact analysis under the provisions of WAC 173-226-120, for the reissuance of this permit.

How to Request Copies of the Proposed Permit: Requests for copies of the proposed permit, fact sheet and the small business economic impact statement may be made by contacting Paul Stasch through the address noted below or by telephoning him at (360) 407-6446.

Where to Submit Written Comments: If you wish to comment on the proposed permit you may send your written comments to Paul Stasch, Water Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail Psta461@ecy.wa.gov.

Written comments must be postmarked no later than February 11, 2000.

Final Determination: A final determination to reissue this permit will not be made until ecology evaluates all the public testimony and written comments received pursuant to this notice. If ecology reissues the upland fin-fish hatching and rearing permit, a copy of the final determination and the responsiveness summary will be sent to all parties who submitted written comments or gave public testimony.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Paul Stasch at (360) 407-6446 or (360) 407-6006 (TDD).

WSR 00-01-196
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 (Library Commission)
 [Memorandum—December 22, 1999]

Following are the dates, times, and locations of the Library Commission meetings and workshops for the year 2000. All meetings will begin at 1:30 p.m. and conducted until business is completed. There is no agenda and no action is taken on issues during any workshop.

Business Meetings:	Tuesday, March 7, 2000	Senate Hearing Room 2
	Thursday, June 8, 2000	Conference Room B&C in the John Cherberg Building
	Thursday, September 7, 2000	Conference Room B&C in the John Cherberg Building
	Thursday, December 7, 2000	Conference Room B&C in the John Cherberg Building
Workshops:	Thursday, April 20, 2000	Washington State Library
	Thursday, July 27, 2000	Washington State Library
	Thursday, October 26, 2000	Washington State Library

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-400	PREP	99-23-051	4- 25-810	REP-P	99-13-077	10- 04-070	AMD	99-20-115
4- 25-510	AMD-P	99-13-060	4- 25-810	REP-C	99-19-044	10- 04-080	AMD-P	99-17-107
4- 25-510	AMD	99-18-111	4- 25-810	REP	99-23-049	10- 04-080	AMD	99-20-115
4- 25-521	PREP	99-23-052	4- 25-811	REP-P	99-13-077	10- 04-090	AMD-P	99-17-107
4- 25-522	PREP	99-23-053	4- 25-811	REP-C	99-19-044	10- 04-090	AMD	99-20-115
4- 25-530	PREP	99-05-025	4- 25-811	REP	99-23-049	10-08	PREP	99-13-188
4- 25-530	AMD-P	99-13-061	4- 25-812	REP-P	99-13-077	10- 08-001	AMD-P	99-17-107
4- 25-530	AMD	99-18-112	4- 25-812	REP-C	99-19-044	10- 08-001	AMD	99-20-115
4- 25-540	PREP	99-23-054	4- 25-812	REP	99-23-049	10- 08-035	AMD-P	99-17-107
4- 25-626	PREP	99-23-055	4- 25-813	REP-P	99-13-078	10- 08-035	AMD	99-20-115
4- 25-631	PREP	99-23-056	4- 25-813	REP-C	99-19-045	10- 08-040	AMD-P	99-17-107
4- 25-660	PREP	99-23-057	4- 25-813	REP	99-23-050	10- 08-040	AMD	99-20-115
4- 25-661	PREP	99-23-058	4- 25-820	PREP	99-23-062	10- 08-045	AMD-P	99-17-107
4- 25-730	AMD-P	99-13-062	4- 25-830	NEW-P	99-13-071	10- 08-045	AMD	99-20-115
4- 25-730	AMD	99-18-113	4- 25-830	NEW-C	99-19-042	10- 08-050	AMD-P	99-17-107
4- 25-730	PREP	99-23-059	4- 25-830	NEW	99-23-045	10- 08-050	AMD	99-20-115
4- 25-740	REP-P	99-13-075	4- 25-831	NEW-P	99-13-072	10- 08-083	NEW-P	99-17-107
4- 25-740	REP	99-18-114	4- 25-831	NEW-C	99-19-043	10- 08-083	NEW	99-20-115
4- 25-745	NEW-P	99-13-063	4- 25-831	NEW	99-23-046	10- 08-085	NEW-P	99-17-107
4- 25-745	NEW	99-18-115	4- 25-832	NEW-P	99-13-073	10- 08-085	NEW	99-20-115
4- 25-746	NEW-P	99-13-064	4- 25-832	NEW-C	99-19-040	10- 08-090	AMD-P	99-17-107
4- 25-746	NEW	99-18-116	4- 25-832	NEW	99-23-047	10- 08-090	AMD	99-20-115
4- 25-750	PREP	99-05-026	4- 25-833	NEW-P	99-13-074	10- 08-110	AMD-P	99-17-107
4- 25-750	AMD-P	99-13-065	4- 25-833	NEW-C	99-19-041	10- 08-110	AMD	99-20-115
4- 25-750	AMD	99-18-117	4- 25-833	NEW	99-23-048	10- 08-120	AMD-P	99-17-107
4- 25-750	PREP	99-23-060	4- 25-910	PREP	99-23-063	10- 08-120	AMD	99-20-115
4- 25-760	REP-P	99-13-076	10- 04	PREP	99-13-188	10- 08-130	AMD-P	99-17-107
4- 25-760	REP	99-18-118	10- 04-010	AMD-P	99-17-107	10- 08-130	AMD	99-20-115
4- 25-780	PREP	99-05-027	10- 04-010	AMD	99-20-115	10- 08-135	NEW-P	99-17-107
4- 25-780	AMD-P	99-13-066	10- 04-020	AMD-P	99-17-107	10- 08-135	NEW	99-20-115
4- 25-780	AMD	99-18-119	10- 04-020	AMD	99-20-115	10- 08-140	AMD-P	99-17-107
4- 25-780	PREP	99-23-061	10- 04-030	AMD-P	99-17-107	10- 08-140	AMD	99-20-115
4- 25-790	NEW-P	99-13-067	10- 04-030	AMD	99-20-115	10- 08-150	AMD-P	99-17-107
4- 25-790	NEW	99-18-120	10- 04-040	AMD-P	99-17-107	10- 08-150	AMD	99-20-115
4- 25-791	NEW-P	99-13-068	10- 04-040	AMD	99-20-115	10- 08-160	AMD-P	99-17-107
4- 25-791	NEW	99-18-121	10- 04-050	AMD-P	99-17-107	10- 08-160	AMD	99-20-115
4- 25-792	NEW-P	99-13-069	10- 04-050	AMD	99-20-115	10- 08-180	AMD-P	99-17-107
4- 25-792	NEW	99-18-122	10- 04-060	AMD-P	99-17-107	10- 08-180	AMD	99-20-115
4- 25-795	NEW-P	99-13-070	10- 04-060	AMD	99-20-115	10- 08-200	AMD-P	99-17-107
4- 25-795	NEW	99-18-123	10- 04-070	AMD-P	99-17-107	10- 08-200	AMD	99-20-115

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
10- 08-210	AMD-P	99-17-107	16- 12-045	REP-XR	99-16-087	16- 12-200	REP-XR	99-16-087
10- 08-210	AMD	99-20-115	16- 12-045	REP	99-21-012	16- 12-200	REP	99-21-012
10- 08-217	NEW-P	99-17-107	16- 12-050	REP-XR	99-16-087	16- 12-205	REP-XR	99-16-087
10- 08-217	NEW	99-20-115	16- 12-050	REP	99-21-012	16- 12-205	REP	99-21-012
10- 08-219	NEW-P	99-17-107	16- 12-055	REP-XR	99-16-087	16- 12-210	REP-XR	99-16-087
10- 08-219	NEW	99-20-115	16- 12-055	REP	99-21-012	16- 12-210	REP	99-21-012
10- 08-251	AMD-P	99-17-107	16- 12-060	REP-XR	99-16-087	16- 12-215	REP-XR	99-16-087
10- 08-251	AMD	99-20-115	16- 12-060	REP	99-21-012	16- 12-215	REP	99-21-012
10- 08-260	REP-P	99-17-107	16- 12-065	REP-XR	99-16-087	16- 12-220	REP-XR	99-16-087
10- 08-260	REP	99-20-115	16- 12-065	REP	99-21-012	16- 12-220	REP	99-21-012
10- 08-261	REP-P	99-17-107	16- 12-070	REP-XR	99-16-087	16- 12-225	REP-XR	99-16-087
10- 08-261	REP	99-20-115	16- 12-070	REP	99-21-012	16- 12-225	REP	99-21-012
10- 12	PREP	99-13-188	16- 12-075	REP-XR	99-16-087	16- 12-230	REP-XR	99-16-087
10- 12	AMD-P	99-17-107	16- 12-075	REP	99-21-012	16- 12-230	REP	99-21-012
10- 12	AMD	99-20-115	16- 12-080	REP-XR	99-16-087	16- 12-235	REP-XR	99-16-087
10- 12-010	AMD-P	99-17-107	16- 12-080	REP	99-21-012	16- 12-235	REP	99-21-012
10- 12-010	AMD	99-20-115	16- 12-085	REP-XR	99-16-087	16- 12-240	REP-XR	99-16-087
10- 12-020	AMD-P	99-17-107	16- 12-085	REP	99-21-012	16- 12-240	REP	99-21-012
10- 12-020	AMD	99-20-115	16- 12-090	REP-XR	99-16-087	16- 12-245	REP-XR	99-16-087
10- 16-010	NEW-P	99-17-107	16- 12-090	REP	99-21-012	16- 12-245	REP	99-21-012
10- 16-010	NEW	99-20-115	16- 12-095	REP-XR	99-16-087	16- 12-250	REP-XR	99-16-087
16- 05-005	REP-P	99-05-022	16- 12-095	REP	99-21-012	16- 12-250	REP	99-21-012
16- 05-005	REP	99-08-039	16- 12-100	REP-XR	99-16-087	16- 12-255	REP-XR	99-16-087
16- 05-010	AMD-P	99-05-022	16- 12-100	REP	99-21-012	16- 12-255	REP	99-21-012
16- 05-010	AMD	99-08-039	16- 12-105	REP-XR	99-16-087	16- 12-260	REP-XR	99-16-087
16- 05-015	REP-P	99-05-022	16- 12-105	REP	99-21-012	16- 12-260	REP	99-21-012
16- 05-015	REP	99-08-039	16- 12-110	REP-XR	99-16-087	16- 12-265	REP-XR	99-16-087
16- 05-020	REP-P	99-05-022	16- 12-110	REP	99-21-012	16- 12-265	REP	99-21-012
16- 05-020	REP	99-08-039	16- 12-115	REP-XR	99-16-087	16- 12-270	REP-XR	99-16-087
16- 05-025	REP-P	99-05-022	16- 12-115	REP	99-21-012	16- 12-270	REP	99-21-012
16- 05-025	REP	99-08-039	16- 12-120	REP-XR	99-16-087	16- 12-275	REP-XR	99-16-087
16- 05-030	REP-P	99-05-022	16- 12-120	REP	99-21-012	16- 12-275	REP	99-21-012
16- 05-030	REP	99-08-039	16- 12-125	REP-XR	99-16-087	16- 12-280	REP-XR	99-16-087
16- 05-035	REP-P	99-05-022	16- 12-125	REP	99-21-012	16- 12-280	REP	99-21-012
16- 05-035	REP	99-08-039	16- 12-130	REP-XR	99-16-087	16- 12-285	REP-XR	99-16-087
16- 05-040	AMD-P	99-05-022	16- 12-130	REP	99-21-012	16- 12-285	REP	99-21-012
16- 05-040	AMD	99-08-039	16- 12-135	REP-XR	99-16-087	16- 12-290	REP-XR	99-16-087
16- 05-045	REP-P	99-05-022	16- 12-135	REP	99-21-012	16- 12-290	REP	99-21-012
16- 05-045	REP	99-08-039	16- 12-140	REP-XR	99-16-087	16- 12-295	REP-XR	99-16-087
16- 10	PREP	99-11-056	16- 12-140	REP	99-21-012	16- 12-295	REP	99-21-012
16- 10-010	REP-XA	99-15-033	16- 12-145	REP-XR	99-16-087	16- 12-300	REP-XR	99-16-087
16- 10-010	REP	99-22-002	16- 12-145	REP	99-21-012	16- 12-300	REP	99-21-012
16- 10-020	REP-XA	99-15-033	16- 12-150	REP-XR	99-16-087	16- 12-305	REP-XR	99-16-087
16- 10-020	REP	99-22-002	16- 12-150	REP	99-21-012	16- 12-305	REP	99-21-012
16- 10-030	REP-XA	99-15-033	16- 12-155	REP-XR	99-16-087	16- 12-310	REP-XR	99-16-087
16- 10-030	REP	99-22-002	16- 12-155	REP	99-21-012	16- 12-310	REP	99-21-012
16- 12-001	REP-XR	99-16-087	16- 12-160	REP-XR	99-16-087	16- 12-315	REP-XR	99-16-087
16- 12-001	REP	99-21-012	16- 12-160	REP	99-21-012	16- 12-315	REP	99-21-012
16- 12-010	REP-XR	99-16-087	16- 12-165	REP-XR	99-16-087	16- 12-320	REP-XR	99-16-087
16- 12-010	REP	99-21-012	16- 12-165	REP	99-21-012	16- 12-320	REP	99-21-012
16- 12-015	REP-XR	99-16-087	16- 12-170	REP-XR	99-16-087	16- 12-325	REP-XR	99-16-087
16- 12-015	REP	99-21-012	16- 12-170	REP	99-21-012	16- 12-325	REP	99-21-012
16- 12-020	REP-XR	99-16-087	16- 12-175	REP-XR	99-16-087	16- 12-330	REP-XR	99-16-087
16- 12-020	REP	99-21-012	16- 12-175	REP	99-21-012	16- 12-330	REP	99-21-012
16- 12-025	REP-XR	99-16-087	16- 12-180	REP-XR	99-16-087	16- 12-335	REP-XR	99-16-087
16- 12-025	REP	99-21-012	16- 12-180	REP	99-21-012	16- 12-335	REP	99-21-012
16- 12-030	REP-XR	99-16-087	16- 12-185	REP-XR	99-16-087	16- 12-340	REP-XR	99-16-087
16- 12-030	REP	99-21-012	16- 12-185	REP	99-21-012	16- 12-340	REP	99-21-012
16- 12-035	REP-XR	99-16-087	16- 12-190	REP-XR	99-16-087	16- 12-345	REP-XR	99-16-087
16- 12-035	REP	99-21-012	16- 12-190	REP	99-21-012	16- 12-345	REP	99-21-012
16- 12-040	REP-XR	99-16-087	16- 12-195	REP-XR	99-16-087	16- 12-350	REP-XR	99-16-087
16- 12-040	REP	99-21-012	16- 12-195	REP	99-21-012	16- 12-350	REP	99-21-012

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-12-820	REP-XR	99-16-087	16-12-975	REP-XR	99-16-087	16-20-080	REP-XR	99-12-122
16-12-820	REP	99-21-012	16-12-975	REP	99-21-012	16-20-080	REP	99-16-086
16-12-825	REP-XR	99-16-087	16-12-980	REP-XR	99-16-087	16-20-090	REP-XR	99-12-122
16-12-825	REP	99-21-012	16-12-980	REP	99-21-012	16-20-090	REP	99-16-086
16-12-830	REP-XR	99-16-087	16-12-983	REP-XR	99-16-087	16-20-100	REP-XR	99-12-122
16-12-830	REP	99-21-012	16-12-983	REP	99-21-012	16-20-100	REP	99-16-086
16-12-835	REP-XR	99-16-087	16-12-985	REP-XR	99-16-087	16-20-110	REP-XR	99-12-122
16-12-835	REP	99-21-012	16-12-985	REP	99-21-012	16-20-110	REP	99-16-086
16-12-840	REP-XR	99-16-087	16-12-988	REP-XR	99-16-087	16-20-120	REP-XR	99-12-122
16-12-840	REP	99-21-012	16-12-988	REP	99-21-012	16-20-120	REP	99-16-086
16-12-845	REP-XR	99-16-087	16-12-991	REP-XR	99-16-087	16-20-130	REP-XR	99-12-122
16-12-845	REP	99-21-012	16-12-991	REP	99-21-012	16-20-130	REP	99-16-086
16-12-850	REP-XR	99-16-087	16-12-994	REP-XR	99-16-087	16-20-140	REP-XR	99-12-122
16-12-850	REP	99-21-012	16-12-994	REP	99-21-012	16-20-140	REP	99-16-086
16-12-855	REP-XR	99-16-087	16-12-997	REP-XR	99-16-087	16-21-001	REP-XR	99-12-122
16-12-855	REP	99-21-012	16-12-997	REP	99-21-012	16-21-001	REP	99-16-086
16-12-860	REP-XR	99-16-087	16-19-010	NEW-P	99-07-116	16-21-010	REP-XR	99-12-122
16-12-860	REP	99-21-012	16-19-010	NEW	99-12-021	16-21-010	REP	99-16-086
16-12-865	REP-XR	99-16-087	16-19-015	NEW-P	99-07-116	16-21-020	REP-XR	99-12-122
16-12-865	REP	99-21-012	16-19-015	NEW	99-12-021	16-21-020	REP	99-16-086
16-12-870	REP-XR	99-16-087	16-19-020	NEW-P	99-07-116	16-21-025	REP-XR	99-12-122
16-12-870	REP	99-21-012	16-19-020	NEW	99-12-021	16-21-025	REP	99-16-086
16-12-875	REP-XR	99-16-087	16-19-030	NEW-P	99-07-116	16-21-030	REP-XR	99-12-122
16-12-875	REP	99-21-012	16-19-030	NEW	99-12-021	16-21-030	REP	99-16-086
16-12-880	REP-XR	99-16-087	16-19-100	NEW-P	99-07-116	16-21-035	REP-XR	99-12-122
16-12-880	REP	99-21-012	16-19-100	NEW	99-12-021	16-21-035	REP	99-16-086
16-12-885	REP-XR	99-16-087	16-19-110	NEW-P	99-07-116	16-21-040	REP-XR	99-12-122
16-12-885	REP	99-21-012	16-19-110	NEW	99-12-021	16-21-040	REP	99-16-086
16-12-890	REP-XR	99-16-087	16-19-120	NEW-P	99-07-116	16-21-045	REP-XR	99-12-122
16-12-890	REP	99-21-012	16-19-120	NEW	99-12-021	16-21-045	REP	99-16-086
16-12-895	REP-XR	99-16-087	16-19-130	NEW-P	99-07-116	16-21-050	REP-XR	99-12-122
16-12-895	REP	99-21-012	16-19-130	NEW	99-12-021	16-21-050	REP	99-16-086
16-12-900	REP-XR	99-16-087	16-19-140	NEW-P	99-07-116	16-21-055	REP-XR	99-12-122
16-12-900	REP	99-21-012	16-19-140	NEW	99-12-021	16-21-055	REP	99-16-086
16-12-905	REP-XR	99-16-087	16-19-200	NEW-P	99-07-116	16-21-060	REP-XR	99-12-122
16-12-905	REP	99-21-012	16-19-200	NEW	99-12-021	16-21-060	REP	99-16-086
16-12-910	REP-XR	99-16-087	16-19-210	NEW-P	99-07-116	16-21-065	REP-XR	99-12-122
16-12-910	REP	99-21-012	16-19-210	NEW	99-12-021	16-21-065	REP	99-16-086
16-12-915	REP-XR	99-16-087	16-19-300	NEW-P	99-07-116	16-21-070	REP-XR	99-12-122
16-12-915	REP	99-21-012	16-19-300	NEW	99-12-021	16-21-070	REP	99-16-086
16-12-920	REP-XR	99-16-087	16-19-310	NEW-P	99-07-116	16-21-075	REP-XR	99-12-122
16-12-920	REP	99-21-012	16-19-310	NEW	99-12-021	16-21-075	REP	99-16-086
16-12-925	REP-XR	99-16-087	16-19-320	NEW-P	99-07-116	16-21-080	REP-XR	99-12-122
16-12-925	REP	99-21-012	16-19-320	NEW	99-12-021	16-21-080	REP	99-16-086
16-12-930	REP-XR	99-16-087	16-19-330	NEW-P	99-07-116	16-21-085	REP-XR	99-12-122
16-12-930	REP	99-21-012	16-19-330	NEW	99-12-021	16-21-085	REP	99-16-086
16-12-935	REP-XR	99-16-087	16-20-001	REP-XR	99-12-122	16-21-090	REP-XR	99-12-122
16-12-935	REP	99-21-012	16-20-001	REP	99-16-086	16-21-090	REP	99-16-086
16-12-940	REP-XR	99-16-087	16-20-010	REP-XR	99-12-122	16-21-095	REP-XR	99-12-122
16-12-940	REP	99-21-012	16-20-010	REP	99-16-086	16-21-095	REP	99-16-086
16-12-945	REP-XR	99-16-087	16-20-020	REP-XR	99-12-122	16-21-100	REP-XR	99-12-122
16-12-945	REP	99-21-012	16-20-020	REP	99-16-086	16-21-100	REP	99-16-086
16-12-950	REP-XR	99-16-087	16-20-030	REP-XR	99-12-122	16-21-105	REP-XR	99-12-122
16-12-950	REP	99-21-012	16-20-030	REP	99-16-086	16-21-105	REP	99-16-086
16-12-955	REP-XR	99-16-087	16-20-040	REP-XR	99-12-122	16-21-110	REP-XR	99-12-122
16-12-955	REP	99-21-012	16-20-040	REP	99-16-086	16-21-110	REP	99-16-086
16-12-960	REP-XR	99-16-087	16-20-050	REP-XR	99-12-122	16-21-115	REP-XR	99-12-122
16-12-960	REP	99-21-012	16-20-050	REP	99-16-086	16-21-115	REP	99-16-086
16-12-965	REP-XR	99-16-087	16-20-060	REP-XR	99-12-122	16-21-120	REP-XR	99-12-122
16-12-965	REP	99-21-012	16-20-060	REP	99-16-086	16-21-120	REP	99-16-086
16-12-970	REP-XR	99-16-087	16-20-070	REP-XR	99-12-122	16-21-125	REP-XR	99-12-122
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16-21-135	REP-XR	99-12-122	16-23-040	REP-XR	99-12-122	16-54-071	AMD-P	99-03-084
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16-21-145	REP	99-16-086	16-23-050	REP	99-16-086	16-54-101	AMD	99-09-023
16-21-150	REP-XR	99-12-122	16-23-060	REP-XR	99-12-122	16-54-120	AMD-P	99-03-084
16-21-150	REP	99-16-086	16-23-060	REP	99-16-086	16-54-120	AMD	99-09-023
16-21-155	REP-XR	99-12-122	16-23-070	REP-XR	99-12-122	16-54-135	AMD-P	99-03-084
16-21-155	REP	99-16-086	16-23-070	REP	99-16-086	16-54-135	AMD	99-09-023
16-21-160	REP-XR	99-12-122	16-23-075	REP-XR	99-12-122	16-54-150	REP-P	99-03-084
16-21-160	REP	99-16-086	16-23-075	REP	99-16-086	16-54-150	REP	99-09-023
16-21-165	REP-XR	99-12-122	16-23-085	REP-XR	99-12-122	16-59	AMD-P	99-03-085
16-21-165	REP	99-16-086	16-23-085	REP	99-16-086	16-59-001	AMD-P	99-03-085
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16-22-001	REP	99-16-086	16-23-115	REP	99-16-086	16-59-070	REP	99-09-024
16-22-010	REP-XR	99-12-122	16-23-120	REP-XR	99-12-122	16-70	PREP	99-24-107
16-22-010	REP	99-16-086	16-23-120	REP	99-16-086	16-74	PREP	99-24-108
16-22-011	REP-XR	99-12-122	16-23-125	REP-XR	99-12-122	16-80	PREP	99-24-109
16-22-011	REP	99-16-086	16-23-125	REP	99-16-086	16-86	AMD-P	99-03-087
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16-22-015	REP	99-16-086	16-23-150	REP	99-16-086	16-86-005	AMD	99-09-025
16-22-020	REP-XR	99-12-122	16-23-160	REP-XR	99-12-122	16-86-015	AMD-P	99-03-087
16-22-020	REP	99-16-086	16-23-160	REP	99-16-086	16-86-015	AMD	99-09-025
16-22-030	REP-XR	99-12-122	16-23-165	REP-XR	99-12-122	16-86-017	AMD-P	99-03-087
16-22-030	REP	99-16-086	16-23-165	REP	99-16-086	16-86-017	AMD	99-09-025
16-22-040	REP-XR	99-12-122	16-23-170	REP-XR	99-12-122	16-86-020	AMD-P	99-03-087
16-22-040	REP	99-16-086	16-23-170	REP	99-16-086	16-86-020	AMD	99-09-025
16-22-050	REP-XR	99-12-122	16-23-175	REP-XR	99-12-122	16-86-030	AMD-P	99-03-087
16-22-050	REP	99-16-086	16-23-175	REP	99-16-086	16-86-030	AMD	99-09-025
16-22-060	REP-XR	99-12-122	16-23-180	REP-XR	99-12-122	16-86-040	AMD-P	99-03-087
16-22-060	REP	99-16-086	16-23-180	REP	99-16-086	16-86-040	AMD	99-09-025
16-22-070	REP-XR	99-12-122	16-24	PREP	99-13-180	16-86-055	AMD-P	99-03-087
16-22-070	REP	99-16-086	16-30	AMD-XA	99-07-115	16-86-055	AMD	99-09-025
16-22-080	REP-XR	99-12-122	16-30	AMD	99-14-032	16-86-060	AMD-P	99-03-087
16-22-080	REP	99-16-086	16-30-001	REP-XA	99-07-115	16-86-060	AMD	99-09-025
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16-22-090	REP	99-16-086	16-30-010	AMD-XA	99-07-115	16-86-070	AMD	99-09-025
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16-23-010	REP	99-16-086	16-30-100	REP-XA	99-07-115	16-86-080	AMD	99-09-025
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16-23-012	REP	99-16-086	16-54-010	AMD-P	99-03-084	16-86-090	AMD	99-09-025
16-23-014	REP-XR	99-12-122	16-54-010	AMD	99-09-023	16-86-092	AMD-P	99-03-087
16-23-014	REP	99-16-086	16-54-016	AMD-P	99-03-084	16-86-092	AMD	99-09-025
16-23-020	REP-XR	99-12-122	16-54-016	REP	99-09-023	16-86-093	REP-P	99-03-087
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16-88-020	REP-XR	99-07-114	16-124-080	REP-XR	99-13-175	16-142-030	REP-P	99-09-095
16-88-020	REP	99-14-031	16-124-080	REP	99-18-031	16-142-030	REP	99-13-048
16-88-030	REP-XR	99-07-114	16-124-090	REP-XR	99-13-175	16-142-040	REP-P	99-09-095
16-88-030	REP	99-14-031	16-124-090	REP	99-18-031	16-142-040	REP	99-13-048
16-88-040	REP-XR	99-07-114	16-124-100	REP-XR	99-13-175	16-142-050	REP-P	99-09-095
16-88-040	REP	99-14-031	16-124-100	REP	99-18-031	16-142-050	REP	99-13-048
16-89-005	NEW-P	99-03-086	16-124-110	REP-XR	99-13-175	16-142-060	REP-P	99-09-095
16-89-005	NEW	99-09-026	16-124-110	REP	99-18-031	16-142-060	REP	99-13-048
16-89-010	NEW-P	99-03-086	16-124-120	REP-XR	99-13-175	16-142-100	NEW-P	99-09-095
16-89-010	NEW	99-09-026	16-124-120	REP	99-18-031	16-142-100	NEW	99-13-048
16-89-015	NEW-P	99-03-086	16-124-130	REP-XR	99-13-175	16-142-110	NEW-P	99-09-095
16-89-015	NEW	99-09-026	16-124-130	REP	99-18-031	16-142-110	NEW	99-13-048
16-89-020	NEW-P	99-03-086	16-124-140	REP-XR	99-13-175	16-142-120	NEW-P	99-09-095
16-89-020	NEW	99-09-026	16-124-140	REP	99-18-031	16-142-120	NEW	99-13-048
16-89-030	NEW-P	99-03-086	16-124-150	REP-XR	99-13-175	16-142-130	NEW-P	99-09-095
16-89-030	NEW	99-09-026	16-124-150	REP	99-18-031	16-142-130	NEW	99-13-048
16-89-040	NEW-P	99-03-086	16-124-160	REP-XR	99-13-175	16-142-140	NEW-P	99-09-095
16-89-040	NEW	99-09-026	16-124-160	REP	99-18-031	16-142-140	NEW	99-13-048
16-89-040	NEW	99-09-026	16-124-170	REP-XR	99-13-175	16-142-150	NEW-P	99-09-095
16-89-050	NEW-P	99-03-086	16-124-170	REP	99-18-031	16-142-150	NEW	99-13-048
16-89-050	NEW	99-09-026	16-124-170	REP	99-18-031	16-142-160	NEW-P	99-09-095
16-89-060	NEW-P	99-03-086	16-124-180	REP-XR	99-13-175	16-142-160	NEW	99-13-048
16-89-060	NEW	99-09-026	16-124-180	REP	99-18-031	16-142-170	NEW-P	99-09-095
16-89-070	NEW-P	99-03-086	16-124-190	REP-XR	99-13-175	16-142-170	NEW	99-13-048
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16-89-090	NEW-P	99-03-086	16-125-010	AMD-P	99-14-072	16-144-100	REP-XR	99-19-166
16-89-090	NEW	99-09-026	16-125-010	AMD	99-18-032	16-144-100	REP	99-24-039
16-89-100	NEW-P	99-03-086	16-125-020	AMD-P	99-14-072	16-144-110	REP-XR	99-19-166
16-89-100	NEW	99-09-026	16-125-020	AMD	99-18-032	16-144-110	REP	99-24-039
16-89-110	NEW-P	99-03-086	16-125-030	AMD-P	99-14-072	16-144-120	REP-XR	99-19-166
16-89-110	NEW	99-09-026	16-125-030	AMD	99-18-032	16-144-120	REP	99-24-039
16-89-120	NEW-P	99-03-086	16-125-035	NEW-P	99-14-072	16-144-130	REP-XR	99-19-166
16-89-120	NEW	99-09-026	16-125-035	NEW	99-18-032	16-144-130	REP	99-24-039
16-101-690	REP-XR	99-13-176	16-125-040	REP-P	99-14-072	16-144-140	REP-XR	99-19-166
16-101-690	REP	99-18-030	16-125-040	REP	99-18-032	16-144-140	REP	99-24-039
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16-108	PREP	99-03-045	16-125-050	REP	99-18-032	16-146	PREP	99-13-182
16-108-010	AMD-P	99-07-118	16-125-060	REP-P	99-14-072	16-147	PREP	99-12-124
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16-112-010	REP-XR	00-01-138	16-125-070	REP	99-18-032	16-147-030	AMD-P	00-01-178
16-112-020	REP-XR	00-01-138	16-125-080	REP-P	99-14-072	16-150-001	REP-XR	99-16-087
16-112-030	REP-XR	00-01-138	16-125-080	REP	99-18-032	16-150-001	REP	99-21-012
16-122-001	REP-XR	99-16-087	16-125-090	REP-P	99-14-072	16-150-010	REP-XR	99-16-087
16-122-001	REP	99-21-012	16-125-090	REP	99-18-032	16-150-010	REP	99-21-012
16-124-001	REP-XR	99-13-175	16-125-100	REP-P	99-14-072	16-152-001	REP-XR	99-16-087
16-124-001	REP	99-18-031	16-125-100	REP	99-18-032	16-152-001	REP	99-21-012
16-124-010	REP-XR	99-13-175	16-125-120	AMD-P	99-14-072	16-152-010	REP-XR	99-16-087
16-124-010	REP	99-18-031	16-125-120	AMD	99-18-032	16-152-010	REP	99-21-012
16-124-020	REP-XR	99-13-175	16-125-200	AMD-P	99-14-072	16-154-030	AMD-P	99-24-133
16-124-020	REP	99-18-031	16-125-200	AMD	99-18-032	16-154-050	AMD-P	99-24-133
16-124-020	REP	99-18-031	16-125-210	AMD-P	99-14-072	16-154-053	NEW-P	99-24-133
16-124-030	REP-XR	99-13-175	16-125-210	AMD	99-18-032	16-154-060	AMD-P	99-24-133
16-124-030	REP	99-18-031	16-125-210	AMD	99-18-032	16-154-070	AMD-P	99-24-133
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16-124-040	REP	99-18-031	16-142	PREP	99-04-067	16-154-090	AMD-P	99-24-133
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16-154-180	NEW-P	99-24-133	16-200-755	AMD	99-17-043	16-228-1130	NEW-XA	99-15-033
16-160-010	AMD-P	99-13-195	16-200-760	AMD-P	99-13-164	16-228-1130	NEW	99-22-002
16-160-010	AMD	99-16-054	16-200-760	AMD	99-17-043	16-228-1140	NEW-XA	99-15-033
16-160-020	AMD-P	99-13-195	16-200-790	AMD-P	99-13-164	16-228-1140	NEW	99-22-002
16-160-020	AMD	99-16-054	16-200-790	AMD	99-17-043	16-228-115	REP-XA	99-15-033
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16-160-025	NEW	99-16-054	16-200-795	AMD	99-17-043	16-228-1150	NEW-XA	99-15-033
16-160-030	AMD-P	99-13-195	16-200-815	AMD-P	99-13-164	16-228-1150	NEW	99-22-002
16-160-030	AMD	99-16-054	16-200-815	AMD	99-17-043	16-228-116	REP-XA	99-15-033
16-160-035	NEW-P	99-13-195	16-200-830	AMD-P	99-13-164	16-228-116	REP	99-22-002
16-160-035	NEW	99-16-054	16-200-830	AMD	99-17-043	16-228-117	REP-XA	99-15-033
16-160-040	AMD-P	99-13-195	16-202-1000	NEW-XA	99-15-033	16-228-117	REP	99-22-002
16-160-040	AMD	99-16-054	16-202-1000	NEW	99-22-002	16-228-120	REP-XA	99-15-033
16-160-050	AMD-P	99-13-195	16-202-2000	NEW-XA	99-15-033	16-228-120	REP	99-22-002
16-160-050	AMD	99-16-054	16-202-2000	NEW	99-22-002	16-228-1200	NEW-XA	99-15-033
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16-160-070	AMD-P	99-13-195	16-212	AMD	99-15-082	16-228-1220	NEW	99-22-002
16-160-070	AMD	99-16-054	16-212-010	AMD-P	99-11-095	16-228-1230	NEW-XA	99-15-033
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16-165-100	NEW-P	99-08-088	16-212-070	AMD	99-15-082	16-228-1250	NEW	99-22-002
16-165-100	NEW	99-13-001	16-212-080	AMD-P	99-11-095	16-228-1260	NEW-XA	99-15-033
16-165-110	NEW-P	99-08-088	16-212-080	AMD	99-15-082	16-228-1260	NEW	99-22-002
16-165-110	NEW	99-13-001	16-212-082	AMD-P	99-11-095	16-228-1270	NEW-XA	99-15-033
16-165-120	NEW-P	99-08-088	16-212-082	AMD	99-15-082	16-228-1270	NEW	99-22-002
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16-165-130	NEW	99-13-001	16-218-001	REP-P	99-20-135	16-228-1300	NEW-XA	99-15-033
16-165-140	NEW-P	99-08-088	16-218-001	REP	99-23-073	16-228-1300	NEW	99-22-002
16-165-140	NEW	99-13-001	16-218-010	AMD-P	99-20-135	16-228-1320	NEW-XA	99-15-033
16-165-150	NEW-P	99-08-088	16-218-010	AMD	99-23-073	16-228-1320	NEW	99-22-002
16-165-150	NEW	99-13-001	16-218-02001	AMD-P	99-20-135	16-228-1330	NEW-XA	99-15-033
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16-165-160	NEW	99-13-001	16-219-010	PREP	99-07-088	16-228-1370	NEW-XA	99-15-033
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16-167-020	AMD-P	99-07-117	16-219-105	PREP	99-07-111	16-228-1380	NEW	99-22-002
16-167-020	AMD	99-12-020	16-228	AMD-XA	99-15-033	16-228-1385	NEW-XA	99-15-033
16-167-030	AMD-P	99-07-117	16-228	AMD	99-22-002	16-228-1385	NEW	99-22-002
16-167-030	AMD	99-12-020	16-228-010	REP-XA	99-15-033	16-228-140	REP-XA	99-15-033
16-167-040	AMD-P	99-07-117	16-228-010	REP	99-22-002	16-228-140	REP	99-22-002
16-167-040	AMD	99-12-020	16-228-020	REP-XA	99-15-033	16-228-1400	NEW-XA	99-15-033
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16-167-050	AMD	99-12-020	16-228-1010	NEW-XA	99-15-033	16-228-1410	NEW-XA	99-15-033
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16-200-695	AMD	99-08-037	16-228-1030	NEW-XA	99-15-033	16-228-143	REP-XA	99-15-033
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16-200-705	AMD	99-08-037	16-228-1040	NEW-XA	99-15-033	16-228-1430	NEW-XA	99-15-033
16-200-7061	AMD-P	99-04-093	16-228-1040	NEW	99-22-002	16-228-1430	NEW	99-22-002
16-200-7061	AMD	99-08-037	16-228-1100	NEW-XA	99-15-033	16-228-1440	NEW-XA	99-15-033
16-200-742	REP-XA	99-15-033	16-228-1100	NEW	99-22-002	16-228-1440	NEW	99-22-002
16-200-742	REP	99-22-002	16-228-1110	NEW-XA	99-15-033	16-228-145	REP-XA	99-15-033
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16-231-912	PREP	99-13-162	16-401-025	AMD-P	99-07-126	16-451-030	REP	99-17-001
16-231-915	PREP	99-13-162	16-401-025	AMD	99-12-034	16-451-040	REP-XR	99-08-112
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16-319-041	PREP	99-04-095	16-412-040	REP	99-17-001	16-462-022	NEW-XA	99-07-127
16-319-041	AMD-P	99-13-185	16-412-050	REP-XR	99-08-112	16-462-022	NEW	99-12-025
16-319-041	AMD	99-24-043	16-412-050	REP	99-17-001	16-462-025	AMD-XA	99-07-127
16-322	PREP	99-03-093	16-412-060	REP-XR	99-08-112	16-462-025	AMD	99-12-025
16-328	PREP	99-21-078	16-412-060	REP	99-17-001	16-462-030	AMD-XA	99-07-127
16-333	PREP	99-21-079	16-424-010	REP-XR	99-08-112	16-462-030	AMD	99-12-025
16-334-040	AMD-XA	99-21-082	16-424-010	REP	99-17-001	16-462-030	AMD-XA	99-21-083
16-334-040	AMD	00-01-148	16-424-020	REP-XR	99-08-112	16-462-030	AMD	00-01-149
16-401	PREP	99-03-095	16-424-020	REP	99-17-001	16-462-035	AMD-XA	99-07-127
16-401-019	AMD-P	99-07-126	16-424-030	REP-XR	99-08-112	16-462-035	AMD	99-12-025
16-401-019	AMD	99-12-034	16-424-030	REP	99-17-001	16-462-045	REP-XA	99-07-127
16-401-020	AMD-P	99-07-126	16-436	PREP	99-08-111	16-462-045	REP	99-12-025
16-401-020	AMD	99-12-034	16-448	PREP	99-08-110	16-462-050	AMD-XA	99-07-127
16-401-020	REP-XR	99-18-098	16-449-010	AMD-P	99-17-078	16-462-050	AMD	99-12-025
16-401-020	REP	99-21-050	16-449-010	AMD	99-21-003	16-462-055	AMD-XA	99-07-127
16-401-021	NEW-P	99-07-126	16-451-010	REP-XR	99-08-112	16-462-055	AMD	99-12-025
			16-451-010	REP	99-17-001	16-462-060	REP-XA	99-07-127

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16-470	PREP	99-03-092	16-561-010	AMD-P	99-07-108	16-750-150	AMD-P	99-20-137
16-470-900	PREP	99-03-096	16-561-010	AMD-C	99-11-024	16-750-150	AMD	99-24-029
16-470-900	AMD-P	99-07-125	16-561-010	AMD-C	99-12-013	16-750-155	AMD-P	99-20-137
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16-470-905	PREP	99-03-096	16-561-130	NEW-P	99-07-108	16-750-165	AMD-P	99-20-137
16-470-905	AMD-P	99-07-125	16-561-130	NEW-C	99-11-024	16-750-165	AMD	99-24-029
16-470-905	AMD	99-12-035	16-561-130	NEW-C	99-12-013	16-750-175	REP-P	99-20-137
16-470-910	PREP	99-03-096	16-561-130	NEW-W	99-13-142	16-750-175	REP	99-24-029
16-470-910	AMD-P	99-07-125	16-575-015	NEW-P	99-06-070	16-750-185	AMD-P	99-20-137
16-470-910	AMD	99-12-035	16-575-015	NEW	99-12-104	16-750-185	AMD	99-24-029
16-470-910	REP-XR	99-18-097	16-604-010	REP	99-04-069	16-750-190	REP-P	99-20-137
16-470-910	REP	99-21-049	16-607-150	NEW-P	99-16-100	16-750-190	REP	99-24-029
16-470-911	NEW-P	99-07-125	16-607-150	NEW-W	99-20-052	16-752	PREP	99-07-123
16-470-911	NEW	99-12-035	16-607-155	NEW-P	99-16-100	16-752	PREP	99-17-104
16-470-911	AMD-XA	99-18-104	16-607-155	NEW-W	99-20-052	16-752	PREP	99-17-105
16-470-911	AMD	99-22-076	16-607-160	NEW-P	99-16-100	16-752-115	REP-XR	99-07-124
16-470-915	PREP	99-03-096	16-607-160	NEW-W	99-20-052	16-752-115	REP	99-11-087
16-470-915	AMD-P	99-07-125	16-607-165	NEW-P	99-16-100	16-752-120	REP-XR	99-07-124
16-470-915	AMD	99-12-035	16-607-165	NEW-W	99-20-052	16-752-120	REP	99-11-087
16-470-915	REP-XR	99-18-097	16-607-170	NEW-P	99-16-100	16-752-125	REP-XR	99-07-124
16-470-915	REP	99-21-049	16-607-170	NEW-W	99-20-052	16-752-125	REP	99-11-087
16-470-916	NEW-P	99-07-125	16-645-005	NEW-P	99-02-066	16-752-130	REP-XR	99-07-124
16-470-916	NEW	99-12-035	16-645-005	NEW	99-06-072	16-752-130	REP	99-11-087
16-470-920	PREP	99-03-096	16-645-010	NEW-P	99-02-066	16-752-135	REP-XR	99-07-124
16-470-920	AMD-P	99-07-125	16-645-010	NEW	99-06-072	16-752-135	REP	99-11-087
16-470-920	AMD	99-12-035	16-662-105	AMD-P	99-04-111	16-752-140	REP-XR	99-07-124
16-470-920	REP-XR	99-18-097	16-662-105	AMD	99-07-056	16-752-140	REP	99-11-087
16-470-920	REP	99-21-049	16-662-110	AMD-P	99-04-111	16-752-145	REP-XR	99-07-124
16-470-921	NEW-P	99-07-125	16-662-110	AMD	99-07-056	16-752-145	REP	99-11-087
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16-481	PREP	99-03-090	16-720	PREP	99-16-089	16-752-146	REP	99-11-087
16-483	PREP	99-03-091	16-750	PREP	99-13-039	16-752-147	REP-XR	99-07-124
16-483-001	AMD-P	00-01-195	16-750-001	AMD-P	99-20-137	16-752-147	REP	99-11-087
16-483-005	AMD-P	00-01-195	16-750-001	AMD	99-24-029	16-752-150	REP-XR	99-07-124
16-483-010	AMD-P	00-01-195	16-750-003	AMD-P	99-20-137	16-752-150	REP	99-11-087
16-483-020	AMD-P	00-01-195	16-750-003	AMD	99-24-029	16-752-155	REP-XR	99-07-124
16-483-030	AMD-P	00-01-195	16-750-004	AMD-P	99-20-137	16-752-155	REP	99-11-087
16-483-040	AMD-P	00-01-195	16-750-004	AMD	99-24-029	16-752-160	REP-XR	99-07-124
16-483-050	AMD-P	00-01-195	16-750-005	AMD-P	99-20-137	16-752-160	REP	99-11-087
16-483-060	REP-P	00-01-195	16-750-005	AMD	99-24-029	16-752-165	REP-XR	99-07-124
16-487	PREP	99-22-099	16-750-011	AMD-P	99-20-137	16-752-165	REP	99-11-087
16-497	PREP	99-21-081	16-750-011	AMD	99-24-029	16-752-170	REP-XR	99-07-124
16-532-020	AMD-P	99-02-063	16-750-015	AMD-P	99-20-137	16-752-170	REP	99-11-087
16-532-020	AMD	99-10-095	16-750-015	AMD	99-24-029	16-752-700	NEW-P	99-22-100
16-545-010	NEW	99-02-064	16-750-020	AMD-P	99-20-137	16-752-705	NEW-P	99-22-100
16-545-015	NEW	99-02-064	16-750-020	AMD	99-24-029	16-752-710	NEW-P	99-22-100
16-545-020	NEW	99-02-064	16-750-025	AMD-P	99-20-137	16-752-715	NEW-P	99-22-100
16-545-030	NEW	99-02-064	16-750-025	AMD	99-24-029	25-12-010	REP-P	99-03-098
16-545-040	NEW	99-02-064	16-750-105	AMD-P	99-20-137	25-12-010	REP-W	99-16-074
16-545-041	NEW	99-02-064	16-750-105	AMD	99-24-029	25-12-020	REP-P	99-03-098
16-545-050	NEW	99-02-064	16-750-115	AMD-P	99-20-137	25-12-020	REP-W	99-16-074
16-545-080	NEW	99-02-064	16-750-115	AMD	99-24-029	25-12-030	REP-P	99-03-098
16-557-010	REP-P	99-20-113	16-750-120	AMD-P	99-20-137	25-12-030	REP-W	99-16-074
16-557-020	REP-P	99-20-113	16-750-120	AMD	99-24-029	25-12-040	REP-P	99-03-098
16-557-025	REP-P	99-20-113	16-750-130	AMD-P	99-20-137	25-12-040	REP-W	99-16-074
16-557-030	REP-P	99-20-113	16-750-130	AMD	99-24-029	25-12-050	REP-P	99-03-098
16-557-040	REP-P	99-20-113	16-750-135	AMD-P	99-20-137	25-12-050	REP-W	99-16-074
16-557-041	REP-P	99-20-113	16-750-135	AMD	99-24-029	25-12-060	REP-P	99-03-098
16-557-050	REP-P	99-20-113	16-750-140	AMD-P	99-20-137	25-12-060	REP-W	99-16-074
16-557-060	REP-P	99-20-113	16-750-140	AMD	99-24-029	25-12-070	REP-P	99-03-098
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25-12-110	NEW-W	99-16-074	50-16-025	REP-XR	99-04-073	118-06-010	REP-XR	00-01-118
25-12-120	NEW-P	99-03-098	50-16-025	REP	99-08-123	118-06-020	REP-XR	00-01-118
25-12-120	NEW-W	99-16-074	50-16-030	REP-XR	99-04-073	118-06-030	REP-XR	00-01-118
25-12-130	NEW-P	99-03-098	50-16-030	REP	99-08-123	118-06-040	REP-XR	00-01-118
25-12-130	NEW-W	99-16-074	50-16-035	REP-XR	99-04-073	118-06-050	REP-XR	00-01-118
25-12-140	NEW-P	99-03-098	50-16-035	REP	99-08-123	118-06-060	REP-XR	00-01-118
25-12-140	NEW-W	99-16-074	50-16-040	REP-XR	99-04-073	118-06-070	REP-XR	00-01-118
25-12-150	NEW-P	99-03-098	50-16-040	REP	99-08-123	118-06-080	REP-XR	00-01-118
25-12-150	NEW-W	99-16-074	50-16-045	REP-XR	99-04-073	118-07-010	REP-XR	00-01-118
25-12-160	NEW-P	99-03-098	50-16-045	REP	99-08-123	118-07-020	REP-XR	00-01-118
25-12-160	NEW-W	99-16-074	50-16-050	REP-XR	99-04-073	118-07-030	REP-XR	00-01-118
25-12-170	NEW-P	99-03-098	50-16-050	REP	99-08-123	118-07-040	REP-XR	00-01-118
25-12-170	NEW-W	99-16-074	50-16-055	REP-XR	99-04-073	118-07-050	REP-XR	00-01-118
25-12-180	NEW-P	99-03-098	50-16-055	REP	99-08-123	118-07-060	REP-XR	00-01-118
25-12-180	NEW-W	99-16-074	50-16-060	REP-XR	99-04-073	118-08-010	REP-XR	00-01-118
36-12	PREP	99-12-103	50-16-060	REP	99-08-123	118-08-020	REP-XR	00-01-118
36-12	PREP	00-01-042	50-16-065	REP-XR	99-04-073	118-08-030	REP-XR	00-01-118
36-12-195	AMD-P	99-20-140	50-16-065	REP	99-08-123	118-08-040	REP-XR	00-01-118
36-12-364	NEW-P	99-13-127	50-16-070	REP-XR	99-04-073	118-08-050	REP-XR	00-01-118
36-12-364	NEW	99-17-048	50-16-070	REP	99-08-123	118-08-060	REP-XR	00-01-118
36-12-365	REP-P	99-20-140	50-16-075	REP-XR	99-04-073	118-08-070	REP-XR	00-01-118
36-12-367	REP-P	99-20-140	50-16-075	REP	99-08-123	130-16	PREP	99-08-060
36-12-370	REP-P	99-20-140	50-16-080	REP-XR	99-04-073	131-16-021	PREP	99-09-017
36-12-385	REP-P	99-20-140	50-16-080	REP	99-08-123	131-16-021	AMD-P	99-13-043
36-12-400	REP-P	99-20-140	50-16-085	REP-XR	99-04-073	131-16-021	AMD-E	99-13-186
36-12-410	REP-P	99-20-140	50-16-085	REP	99-08-123	131-16-021	AMD-P	99-14-019
36-12-415	REP-P	99-20-140	50-16-090	REP-XR	99-04-073	131-16-021	AMD-P	99-14-052
36-12-425	REP-P	99-20-140	50-16-090	REP	99-08-123	131-16-021	AMD-P	99-18-094
36-12-435	REP-P	99-20-140	50-16-095	REP-XR	99-04-073	131-16-021	AMD	99-19-100
36-12-445	REP-P	99-20-140	50-16-095	REP	99-08-123	131-16-021	AMD	99-22-052
36-12-450	REP-P	99-20-140	50-16-100	REP-XR	99-04-073	131-16-450	PREP	99-04-029
36-12-465	NEW-P	99-20-140	50-16-100	REP	99-08-123	131-16-450	AMD-E	99-07-057
36-12-475	NEW-P	99-20-140	50-16-105	REP-XR	99-04-073	131-16-450	AMD-P	99-08-013
36-12-485	NEW-P	99-20-140	50-16-105	REP	99-08-123	131-16-450	AMD	99-13-013
36-13	PREP	00-01-042	50-44-037	NEW-P	99-07-131	131-28	PREP	99-10-015
36-13-010	NEW-P	99-20-140	50-44-037	NEW	99-10-024	131-46	PREP	99-08-057
36-13-020	NEW-P	99-20-140	50-44-039	NEW-P	99-07-131	131-46-140	NEW-P	99-14-018
36-13-030	NEW-P	99-20-140	50-44-039	NEW	99-10-024	131-46-140	NEW-E	99-14-020
36-13-040	NEW-P	99-20-140	51-40-23110	REP-E	99-05-030	131-46-140	NEW	99-19-099
36-13-050	NEW-P	99-20-140	67-55-040	AMD	99-05-005	132A	PREP	99-07-060
36-13-060	NEW-P	99-20-140	67-55-060	AMD	99-05-005	132A-104-010	REP-XR	99-16-028
36-13-070	NEW-P	99-20-140	67-75-010	AMD	99-05-005	132A-104-010	REP	99-19-150
36-13-080	NEW-P	99-20-140	67-75-020	AMD	99-05-005	132A-104-011	NEW-P	99-10-100
36-13-090	NEW-P	99-20-140	67-75-030	AMD	99-05-005	132A-104-011	NEW	99-15-072
36-13-100	NEW-P	99-20-140	67-75-040	AMD	99-05-005	132A-104-015	REP-XR	99-16-028
36-13-110	NEW-P	99-20-140	67-75-042	AMD	99-05-005	132A-104-015	REP	99-19-150
36-13-120	NEW-P	99-20-140	67-75-044	AMD	99-05-005	132A-104-016	NEW-P	99-10-100
36-13-130	NEW-P	99-20-140	67-75-050	AMD	99-05-005	132A-104-016	NEW	99-15-072
36-13-140	NEW-P	99-20-140	82-50-021	AMD-XA	99-07-128	132A-104-020	REP-XR	99-16-028
36-14	PREP	00-01-042	82-50-021	AMD	99-12-081	132A-104-020	REP	99-19-150
36-14-100	NEW-P	99-13-127	98-70-010	PREP	99-10-017	132A-104-021	NEW-P	99-10-100
36-14-100	NEW	99-17-048	98-70-010	AMD-P	99-13-137	132A-104-021	NEW	99-15-072
36-14-110	NEW-P	99-20-140	98-70-010	AMD	99-16-079	132A-108-010	NEW-P	99-10-100
36-14-400	NEW-P	99-20-140	112-10-010	AMD-P	00-01-099	132A-108-010	NEW	99-15-072
36-14-410	NEW-P	99-20-140	112-10-020	AMD-P	00-01-099	132A-108-020	NEW-P	99-10-100
36-14-420	NEW-P	99-20-140	112-10-030	AMD-P	00-01-099	132A-108-020	NEW	99-15-072
44-10	PREP	99-15-079	112-10-040	AMD-P	00-01-099	132A-108-030	NEW-P	99-10-100
44-10-010	AMD-P	99-19-109	112-10-050	AMD-P	00-01-099	132A-108-030	NEW	99-15-072
44-10-170	AMD-P	99-19-109	112-10-060	AMD-P	00-01-099	132A-108-040	NEW-P	99-10-100
44-10-200	AMD-P	99-19-109	112-10-070	NEW-P	00-01-099	132A-108-040	NEW	99-15-072
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132A-108-060	NEW	99-15-072	132A-120-040	REP	99-19-150	132A-128-100	REP	99-19-150
132A-108-070	NEW-P	99-10-100	132A-120-041	NEW-P	99-10-100	132A-130-010	NEW-P	99-10-100
132A-108-070	NEW	99-15-072	132A-120-041	NEW	99-15-072	132A-130-010	NEW	99-15-072
132A-108-080	NEW-P	99-10-100	132A-120-045	REP-XR	99-16-028	132A-130-020	NEW-P	99-10-100
132A-108-080	NEW	99-15-072	132A-120-045	REP	99-19-150	132A-130-020	NEW	99-15-072
132A-108-090	NEW-P	99-10-100	132A-120-046	NEW-P	99-10-100	132A-130-030	NEW-P	99-10-100
132A-108-090	NEW	99-15-072	132A-120-046	NEW	99-15-072	132A-130-030	NEW	99-15-072
132A-116-001	NEW-P	99-10-100	132A-120-050	REP-XR	99-16-028	132A-131-010	NEW-P	99-10-100
132A-116-001	NEW	99-15-072	132A-120-050	REP	99-19-150	132A-131-010	NEW	99-15-072
132A-116-005	REP-XR	99-16-028	132A-120-051	NEW-P	99-10-100	132A-131-020	NEW-P	99-10-100
132A-116-005	REP	99-19-150	132A-120-051	NEW	99-15-072	132A-131-020	NEW	99-15-072
132A-116-006	NEW-P	99-10-100	132A-120-055	REP-XR	99-16-028	132A-133-020	NEW-P	99-10-100
132A-116-006	NEW	99-15-072	132A-120-055	REP	99-19-150	132A-133-020	NEW	99-15-072
132A-116-010	REP-XR	99-16-028	132A-120-056	NEW-P	99-10-100	132A-136-005	REP-XR	99-16-028
132A-116-010	REP	99-19-150	132A-120-056	NEW	99-15-072	132A-136-005	REP	99-19-150
132A-116-011	NEW-P	99-10-100	132A-120-060	REP-XR	99-16-028	132A-136-010	REP-XR	99-16-028
132A-116-011	NEW	99-15-072	132A-120-060	REP	99-19-150	132A-136-010	REP	99-19-150
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132A-116-015	REP	99-19-150	132A-120-061	NEW	99-15-072	132A-136-015	REP	99-19-150
132A-116-016	NEW-P	99-10-100	132A-122-010	REP-XR	99-16-028	132A-136-020	REP-XR	99-16-028
132A-116-016	NEW	99-15-072	132A-122-010	REP	99-19-150	132A-136-020	REP	99-19-150
132A-116-020	REP-XR	99-16-028	132A-122-011	NEW-P	99-10-100	132A-136-025	REP-XR	99-16-028
132A-116-020	REP	99-19-150	132A-122-011	NEW	99-15-072	132A-136-025	REP	99-19-150
132A-116-021	NEW-P	99-10-100	132A-122-020	REP-XR	99-16-028	132A-136-030	REP-XR	99-16-028
132A-116-021	NEW	99-15-072	132A-122-020	REP	99-19-150	132A-136-030	REP	99-19-150
132A-116-025	REP-XR	99-16-028	132A-122-021	NEW-P	99-10-100	132A-140	AMD-P	99-10-100
132A-116-025	REP	99-19-150	132A-122-021	NEW	99-15-072	132A-140	AMD	99-15-072
132A-116-026	NEW-P	99-10-100	132A-122-030	REP-XR	99-16-028	132A-140-001	NEW-P	99-10-100
132A-116-026	NEW	99-15-072	132A-122-030	REP	99-19-150	132A-140-001	NEW	99-15-072
132A-116-030	NEW-P	99-10-100	132A-122-040	REP-XR	99-16-028	132A-140-005	REP-XR	99-16-028
132A-116-030	NEW	99-15-072	132A-122-040	REP	99-19-150	132A-140-005	REP	99-19-150
132A-120	AMD-P	99-10-100	132A-122-050	REP-XR	99-16-028	132A-140-006	NEW-P	99-10-100
132A-120	AMD	99-15-072	132A-122-050	REP	99-19-150	132A-140-006	NEW	99-15-072
132A-120-005	REP-XR	99-16-028	132A-128-005	REP-XR	99-16-028	132A-140-010	REP-XR	99-16-028
132A-120-005	REP	99-19-150	132A-128-005	REP	99-19-150	132A-140-010	REP	99-19-150
132A-120-006	NEW-P	99-10-100	132A-128-010	REP-XR	99-16-028	132A-140-011	NEW-P	99-10-100
132A-120-006	NEW	99-15-072	132A-128-010	REP	99-19-150	132A-140-011	NEW	99-15-072
132A-120-010	REP-XR	99-16-028	132A-128-015	REP-XR	99-16-028	132A-140-015	REP-XR	99-16-028
132A-120-010	REP	99-19-150	132A-128-015	REP	99-19-150	132A-140-015	REP	99-19-150
132A-120-011	NEW-P	99-10-100	132A-128-020	REP-XR	99-16-028	132A-140-016	NEW-P	99-10-100
132A-120-011	NEW	99-15-072	132A-128-020	REP	99-19-150	132A-140-016	NEW	99-15-072
132A-120-015	REP-XR	99-16-028	132A-128-025	REP-XR	99-16-028	132A-140-020	REP-XR	99-16-028
132A-120-015	REP	99-19-150	132A-128-025	REP	99-19-150	132A-140-020	REP	99-19-150
132A-120-016	NEW-P	99-10-100	132A-128-030	REP-XR	99-16-028	132A-140-021	NEW-P	99-10-100
132A-120-016	NEW	99-15-072	132A-128-030	REP	99-19-150	132A-140-021	NEW	99-15-072
132A-120-020	REP-XR	99-16-028	132A-128-035	REP-XR	99-16-028	132A-140-025	REP-XR	99-16-028
132A-120-020	REP	99-19-150	132A-128-035	REP	99-19-150	132A-140-025	REP	99-19-150
132A-120-021	NEW-P	99-10-100	132A-128-040	REP-XR	99-16-028	132A-140-026	NEW-P	99-10-100
132A-120-021	NEW	99-15-072	132A-128-040	REP	99-19-150	132A-140-026	NEW	99-15-072
132A-120-025	REP-XR	99-16-028	132A-128-045	REP-XR	99-16-028	132A-140-030	NEW-P	99-10-100
132A-120-025	REP	99-19-150	132A-128-045	REP	99-19-150	132A-140-030	NEW	99-15-072
132A-120-026	NEW-P	99-10-100	132A-128-050	REP-XR	99-16-028	132A-150-010	NEW-P	99-10-100
132A-120-026	NEW	99-15-072	132A-128-050	REP	99-19-150	132A-150-010	NEW	99-15-072
132A-120-030	REP-XR	99-16-028	132A-128-060	REP-XR	99-16-028	132A-150-020	NEW-P	99-10-100
132A-120-030	REP	99-19-150	132A-128-060	REP	99-19-150	132A-150-020	NEW	99-15-072
132A-120-031	NEW-P	99-10-100	132A-128-070	REP-XR	99-16-028	132A-156-005	REP-XR	99-16-028
132A-120-031	NEW	99-15-072	132A-128-070	REP	99-19-150	132A-156-005	REP	99-19-150
132A-120-035	REP-XR	99-16-028	132A-128-080	REP-XR	99-16-028	132A-156-006	NEW-P	99-10-100
132A-120-035	REP	99-19-150	132A-128-080	REP	99-19-150	132A-156-006	NEW	99-15-072
132A-120-036	NEW-P	99-10-100	132A-128-090	REP-XR	99-16-028	132A-156-010	REP-XR	99-16-028

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132A-156-010	REP	99-19-150	132A-180-010	REP	99-19-150	132A-280-030	REP	99-19-150
132A-156-011	NEW-P	99-10-100	132A-180-015	REP-XR	99-16-028	132A-280-031	NEW-P	99-10-100
132A-156-011	NEW	99-15-072	132A-180-015	REP	99-19-150	132A-280-031	NEW	99-15-072
132A-156-015	REP-XR	99-16-028	132A-180-020	REP-XR	99-16-028	132A-280-035	NEW-P	99-10-100
132A-156-015	REP	99-19-150	132A-180-020	REP	99-19-150	132A-280-035	NEW	99-15-072
132A-156-016	NEW-P	99-10-100	132A-180-025	REP-XR	99-16-028	132A-280-040	NEW-P	99-10-100
132A-156-016	NEW	99-15-072	132A-180-025	REP	99-19-150	132A-280-040	NEW	99-15-072
132A-156-020	REP-XR	99-16-028	132A-180-030	REP-XR	99-16-028	132A-280-045	NEW-P	99-10-100
132A-156-020	REP	99-19-150	132A-180-030	REP	99-19-150	132A-280-045	NEW	99-15-072
132A-156-025	REP-XR	99-16-028	132A-180-035	REP-XR	99-16-028	132A-280-050	NEW-P	99-10-100
132A-156-025	REP	99-19-150	132A-180-035	REP	99-19-150	132A-280-050	NEW	99-15-072
132A-156-030	REP-XR	99-16-028	132A-180-040	REP-XR	99-16-028	132A-280-055	NEW-P	99-10-100
132A-156-030	REP	99-19-150	132A-180-040	REP	99-19-150	132A-280-055	NEW	99-15-072
132A-160-005	REP-XR	99-16-028	132A-276-005	REP-XR	99-16-028	132A-280-060	NEW-P	99-10-100
132A-160-005	REP	99-19-150	132A-276-005	REP	99-19-150	132A-280-060	NEW	99-15-072
132A-160-006	NEW-P	99-10-100	132A-276-010	REP-XR	99-16-028	132A-280-065	NEW-P	99-10-100
132A-160-006	NEW	99-16-029	132A-276-010	REP	99-19-150	132A-280-065	NEW	99-15-072
132A-160-015	REP-XR	99-16-028	132A-276-015	REP-XR	99-16-028	132A-280-070	NEW-P	99-10-100
132A-160-015	REP	99-19-150	132A-276-015	REP	99-19-150	132A-280-070	NEW	99-15-072
132A-160-020	REP-XR	99-16-028	132A-276-020	REP-XR	99-16-028	132A-280-075	NEW-P	99-10-100
132A-160-020	REP	99-19-150	132A-276-020	REP	99-19-150	132A-280-075	NEW	99-15-072
132A-165-005	REP-XR	99-16-028	132A-276-025	REP-XR	99-16-028	132A-280-080	NEW-P	99-10-100
132A-165-005	REP	99-19-150	132A-276-025	REP	99-19-150	132A-280-080	NEW	99-15-072
132A-165-015	REP-XR	99-16-028	132A-276-030	REP-XR	99-16-028	132A-280-085	NEW-P	99-10-100
132A-165-015	REP	99-19-150	132A-276-030	REP	99-19-150	132A-280-085	NEW	99-15-072
132A-165-025	REP-XR	99-16-028	132A-276-031	NEW-P	99-10-100	132A-300-005	REP-XR	99-16-028
132A-165-025	REP	99-19-150	132A-276-031	NEW	99-15-072	132A-300-005	REP	99-19-150
132A-165-035	REP-XR	99-16-028	132A-276-035	REP-XR	99-16-028	132A-300-010	REP-XR	99-16-028
132A-165-035	REP	99-19-150	132A-276-035	REP	99-19-150	132A-300-010	REP	99-19-150
132A-165-045	REP-XR	99-16-028	132A-276-040	REP-XR	99-16-028	132A-310-005	REP-XR	99-16-028
132A-165-045	REP	99-19-150	132A-276-040	REP	99-19-150	132A-310-005	REP	99-19-150
132A-165-055	REP-XR	99-16-028	132A-276-045	AMD-P	99-10-100	132A-310-010	REP-XR	99-16-028
132A-165-055	REP	99-19-150	132A-276-045	AMD	99-15-072	132A-310-010	REP	99-19-150
132A-165-065	REP-XR	99-16-028	132A-276-050	REP-XR	99-16-028	132A-320-010	NEW-P	99-10-100
132A-165-065	REP	99-19-150	132A-276-050	REP	99-19-150	132A-320-010	NEW	99-15-072
132A-165-075	REP-XR	99-16-028	132A-276-055	REP-XR	99-16-028	132A-320-020	NEW-P	99-10-100
132A-165-075	REP	99-19-150	132A-276-055	REP	99-19-150	132A-320-020	NEW	99-15-072
132A-165-085	REP-XR	99-16-028	132A-276-060	REP-XR	99-16-028	132A-320-030	NEW-P	99-10-100
132A-165-085	REP	99-19-150	132A-276-060	REP	99-19-150	132A-320-030	NEW	99-15-072
132A-168-005	REP-XR	99-16-028	132A-276-065	REP-XR	99-16-028	132A-350-015	NEW-P	99-10-100
132A-168-005	REP	99-19-150	132A-276-065	REP	99-19-150	132A-350-015	NEW	99-15-072
132A-168-006	NEW-P	99-10-100	132A-276-070	REP-XR	99-16-028	132A-350-020	NEW-P	99-10-100
132A-168-006	NEW	99-15-072	132A-276-070	REP	99-19-150	132A-350-020	NEW	99-15-072
132A-168-010	REP-XR	99-16-028	132A-280-005	REP-XR	99-16-028	132A-350-030	NEW-P	99-10-100
132A-168-010	REP	99-19-150	132A-280-005	REP	99-19-150	132A-350-030	NEW	99-15-072
132A-168-011	NEW-P	99-10-100	132A-280-006	NEW-P	99-10-100	132A-350-040	NEW-P	99-10-100
132A-168-011	NEW	99-15-072	132A-280-006	NEW	99-15-072	132A-350-040	NEW	99-15-072
132A-168-015	REP-XR	99-16-028	132A-280-010	REP-XR	99-16-028	132A-350-045	NEW-P	99-10-100
132A-168-015	REP	99-19-150	132A-280-010	REP	99-19-150	132A-350-045	NEW	99-15-072
132A-168-016	NEW-P	99-10-100	132A-280-011	NEW-P	99-10-100	132A-350-050	NEW-P	99-10-100
132A-168-016	NEW	99-15-072	132A-280-011	NEW	99-15-072	132A-350-050	NEW	99-15-072
132A-168-021	NEW-P	99-10-100	132A-280-015	REP-XR	99-16-028	132G-276	PREP	99-23-041
132A-168-021	NEW	99-15-072	132A-280-015	REP	99-19-150	132H-160-182	AMD-XA	99-23-030
132A-168-026	NEW-P	99-10-100	132A-280-016	NEW-P	99-10-100	132H-168-010	REP-P	99-05-018
132A-168-026	NEW	99-15-072	132A-280-016	NEW	99-15-072	132H-168-010	REP	99-10-045
132A-176-005	REP-XR	99-16-028	132A-280-020	REP-XR	99-16-028	132H-168-020	REP-P	99-05-018
132A-176-005	REP	99-19-150	132A-280-020	REP	99-19-150	132H-168-020	REP	99-10-045
132A-176-006	NEW-P	99-10-100	132A-280-021	NEW-P	99-10-100	132H-168-030	REP-P	99-05-018
132A-176-006	NEW	99-15-072	132A-280-021	NEW	99-15-072	132H-168-030	REP	99-10-045
132A-180-005	REP-XR	99-16-028	132A-280-026	NEW-P	99-10-100	132H-168-040	REP-P	99-05-018
132A-180-005	REP	99-19-150	132A-280-026	NEW	99-15-072	132H-168-040	REP	99-10-045
132A-180-010	REP-XR	99-16-028	132A-280-030	REP-XR	99-16-028	132H-168-050	REP-P	99-05-018

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132K-125-270	NEW	99-10-046	132P- 33-123	NEW-P	99-08-019	132X- 10-010	AMD-P	99-23-035
132K-125-280	NEW-P	99-07-109	132P- 33-123	NEW	99-13-140	132X- 10-020	PREP	99-19-102
132K-125-280	NEW	99-10-046	132P- 33-125	NEW-P	99-08-019	132X- 10-030	PREP	99-19-102
132K-125-290	NEW-P	99-07-109	132P- 33-125	NEW	99-13-140	132X- 10-030	AMD-P	99-23-035
132K-125-290	NEW	99-10-046	132P- 33-130	AMD-P	99-08-019	132X- 10-040	PREP	99-19-102
132K-125-300	NEW-P	99-07-109	132P- 33-130	AMD	99-13-140	132X- 10-050	PREP	99-19-102
132K-125-300	NEW	99-10-046	132P- 33-150	AMD-P	99-08-019	132X- 10-050	AMD-P	99-23-035
132K-125-310	NEW-P	99-07-109	132P- 33-150	AMD	99-13-140	132X- 10-060	PREP	99-19-102
132K-125-310	NEW	99-10-046	132P- 33-155	NEW-P	99-08-019	132X- 10-060	AMD-P	99-23-035
132K-125-320	NEW-P	99-07-109	132P- 33-155	NEW	99-13-140	132X- 10-070	PREP	99-19-102
132K-125-320	NEW	99-10-046	132P- 33-160	AMD-P	99-08-019	132X- 10-080	PREP	99-19-102
132K-125-330	NEW-P	99-07-109	132P- 33-160	AMD	99-13-140	132X- 10-080	AMD-P	99-23-035
132K-125-330	NEW	99-10-046	132P- 33-170	AMD-P	99-08-019	132X- 10-090	PREP	99-19-102
132K-125-340	NEW-P	99-07-109	132P- 33-170	AMD	99-13-140	132X- 10-100	PREP	99-19-102
132K-125-340	NEW	99-10-046	132P- 33-210	AMD-P	99-08-019	132X- 10-100	AMD-P	99-23-035
132K-125-350	NEW-P	99-07-109	132P- 33-210	AMD	99-13-140	132X- 10-110	PREP	99-19-102
132K-125-350	NEW	99-10-046	132P- 33-220	AMD-P	99-08-019	132X- 10-110	AMD-P	99-23-035
132K-125-360	NEW-P	99-07-109	132P- 33-220	AMD	99-13-140	132X- 20	PREP	99-06-032
132K-125-360	NEW	99-10-046	132P- 33-230	AMD-P	99-08-019	132X- 20-010	REP-XR	99-23-104
132K-125-370	NEW-P	99-07-109	132P- 33-230	AMD	99-13-140	132X- 20-020	REP-XR	99-23-104
132K-125-370	NEW	99-10-046	132P- 33-260	AMD-P	99-08-019	132X- 20-030	REP-XR	99-23-104
132K-125-380	NEW-P	99-07-109	132P- 33-260	AMD	99-13-140	132X- 20-040	REP-XR	99-23-104
132K-125-380	NEW	99-10-046	132P- 33-270	AMD-P	99-08-019	132X- 20-050	REP-XR	99-23-104
132K-125-390	NEW-P	99-07-109	132P- 33-270	AMD	99-13-140	132X- 20-060	REP-XR	99-23-104
132K-125-390	NEW	99-10-046	132P- 276	PREP	99-05-041	132X- 20-070	REP-XR	99-23-104
132K-125-400	NEW-P	99-07-109	132P-276-010	AMD-P	99-22-101	132X- 20-080	REP-XR	99-23-104
132K-125-400	NEW	99-10-046	132P-276-010	AMD	00-01-076	132X- 20-090	REP-XR	99-23-104
132K-125-410	NEW-P	99-07-109	132P-276-020	AMD-P	99-22-101	132X- 20-100	REP-XR	99-23-104
132K-125-410	NEW	99-10-046	132P-276-020	AMD	00-01-076	132X- 20-110	REP-XR	99-23-104
132K-125-420	NEW-P	99-07-109	132P-276-021	NEW-P	99-22-101	132X- 20-120	REP-XR	99-23-104
132K-125-420	NEW	99-10-046	132P-276-021	NEW	00-01-076	132X- 20-130	REP-XR	99-23-104
132K-125-430	NEW-P	99-07-109	132P-276-022	NEW-P	99-22-101	132X- 30	PREP	99-06-032
132K-125-430	NEW	99-10-046	132P-276-022	NEW	00-01-076	132X- 30-040	PREP	99-19-102
132N-160	PREP	99-06-011	132P-276-030	AMD-P	99-22-101	132X- 30-040	AMD-P	99-23-035
132N-160-010	NEW-P	99-10-044	132P-276-030	AMD	00-01-076	132X- 40	PREP	99-06-032
132N-160-010	NEW	99-15-017	132P-276-040	AMD-P	99-22-101	132X- 40-020	PREP	99-19-102
132N-160-020	NEW-P	99-10-044	132P-276-040	AMD	00-01-076	132X- 40-020	AMD-P	99-23-035
132N-160-020	NEW	99-15-017	132P-276-050	AMD-P	99-22-101	132X- 50	PREP	99-06-032
132N-160-030	NEW-P	99-10-044	132P-276-050	AMD	00-01-076	132X- 50-020	PREP	99-19-102
132N-160-030	NEW	99-15-017	132P-276-060	AMD-P	99-22-101	132X- 50-020	AMD-P	99-23-035
132N-160-040	NEW-P	99-10-044	132P-276-060	AMD	00-01-076	132X- 50-030	PREP	99-19-102
132N-160-040	NEW	99-15-017	132P-276-070	AMD-P	99-22-101	132X- 50-030	AMD-P	99-23-035
132N-160-050	NEW-P	99-10-044	132P-276-070	AMD	00-01-076	132X- 50-040	PREP	99-19-102
132N-160-050	NEW	99-15-017	132P-276-080	AMD-P	99-22-101	132X- 50-040	AMD-P	99-23-035
132N-160-060	NEW-P	99-10-044	132P-276-080	AMD	00-01-076	132X- 50-050	PREP	99-19-102
132N-160-060	NEW	99-15-017	132P-276-090	AMD-P	99-22-101	132X- 50-050	AMD-P	99-23-035
132N-160-070	NEW-P	99-10-044	132P-276-090	AMD	00-01-076	132X- 50-060	PREP	99-19-102
132N-160-070	NEW	99-15-017	132P-276-100	AMD-P	99-22-101	132X- 50-060	AMD-P	99-23-035
132N-160-080	NEW-P	99-10-044	132P-276-100	AMD	00-01-076	132X- 50-070	PREP	99-19-102
132N-160-080	NEW	99-15-017	132P-276-110	AMD-P	99-22-101	132X- 50-080	PREP	99-19-102
132N-160-090	NEW-P	99-10-044	132P-276-110	AMD	00-01-076	132X- 50-080	AMD-P	99-23-035
132N-160-090	NEW	99-15-017	132P-276-120	AMD-P	99-22-101	132X- 50-090	PREP	99-19-102
132P- 33-010	AMD-P	99-08-019	132P-276-120	AMD	00-01-076	132X- 50-100	PREP	99-19-102
132P- 33-010	AMD	99-13-140	132P-276-990	REP-P	99-22-101	132X- 50-110	PREP	99-19-102
132P- 33-020	AMD-P	99-08-019	132P-276-990	REP	00-01-076	132X- 50-110	AMD-P	99-23-035
132P- 33-020	AMD	99-13-140	132Q- 12-010	REP-C	99-05-040	132X- 50-120	PREP	99-19-102
132P- 33-080	AMD-P	99-08-019	132Q- 12-010	REP	99-10-012	132X- 50-120	AMD-P	99-23-035
132P- 33-080	AMD	99-13-140	132V-120	PREP	99-16-107	132X- 50-130	PREP	99-19-102
132P- 33-100	AMD-P	99-08-019	132V-300	PREP	99-16-108	132X- 50-130	AMD-P	99-23-035
132P- 33-100	AMD	99-13-140	132V-400	PREP	99-16-109	132X- 50-140	PREP	99-19-102
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132X- 50-150	AMD-P	99-23-035	132X- 60-170	PREP	99-19-102	137-130-080	NEW-E	99-21-029
132X- 50-160	PREP	99-19-102	132X- 60-170	AMD-P	99-23-035	137-130-090	NEW-E	99-21-029
132X- 50-160	AMD-P	99-23-035	132X- 60-178	PREP	99-19-102	137-130-100	NEW-E	99-21-029
132X- 50-170	PREP	99-19-102	132X- 60-178	NEW-P	99-23-035	137-130-110	NEW-E	99-21-029
132X- 50-170	AMD-P	99-23-035	132X- 60-180	AMD-P	99-23-035	137-130-120	NEW-E	99-21-029
132X- 50-180	PREP	99-19-102	136-130-050	AMD-P	99-09-084	137-130-130	NEW-E	99-21-029
132X- 50-180	AMD-P	99-23-035	136-130-050	AMD	99-16-038	137-130-140	NEW-E	99-21-029
132X- 50-190	PREP	99-19-102	136-130-070	AMD-P	99-17-039	137-130-150	NEW-E	99-21-029
132X- 50-190	AMD-P	99-23-035	136-130-070	AMD	99-24-057	143- 06	PREP	99-18-012
132X- 50-200	PREP	99-19-102	136-167-020	AMD-P	99-24-056	143- 06-020	AMD-P	99-22-056
132X- 50-210	PREP	99-19-102	136-167-030	AMD-P	99-24-056	143- 06-020	AMD	00-01-028
132X- 50-210	AMD-P	99-23-035	137- 08-010	PREP	99-14-017	143- 06-030	AMD-P	99-22-056
132X- 50-220	PREP	99-19-102	137- 08-020	PREP	99-14-017	143- 06-030	AMD	00-01-028
132X- 50-230	PREP	99-19-102	137- 08-060	PREP	99-14-017	143- 06-040	REP-P	99-22-056
132X- 50-230	AMD-P	99-23-035	137- 08-070	PREP	99-14-017	143- 06-040	REP	00-01-028
132X- 50-240	PREP	99-19-102	137- 08-080	PREP	99-14-017	143- 06-060	AMD-P	99-22-056
132X- 50-240	AMD-P	99-23-035	137- 08-080	PREP	99-14-017	143- 06-060	AMD	00-01-028
132X- 50-250	PREP	99-19-102	137- 08-090	PREP	99-14-017	143- 06-060	AMD	00-01-028
132X- 50-260	PREP	99-19-102	137- 08-100	PREP	99-14-017	143- 06-070	AMD-P	99-22-056
132X- 50-260	AMD-P	99-23-035	137- 08-105	PREP	99-14-017	143- 06-070	AMD	00-01-028
132X- 50-270	PREP	99-19-102	137- 08-110	PREP	99-14-017	143- 06-090	AMD-P	99-22-056
132X- 50-270	AMD-P	99-23-035	137- 08-120	PREP	99-14-017	143- 06-090	AMD	00-01-028
132X- 50-280	PREP	99-19-102	137- 08-130	PREP	99-14-017	143- 06-100	AMD-P	99-22-056
132X- 50-280	AMD-P	99-23-035	137- 08-140	PREP	99-14-017	143- 06-100	AMD	00-01-028
132X- 60	PREP	99-06-032	137- 08-150	PREP	99-14-017	143- 06-120	AMD-P	99-22-056
132X- 60-010	PREP	99-19-102	137- 08-160	PREP	99-14-017	143- 06-120	AMD	00-01-028
132X- 60-010	AMD-P	99-23-035	137- 08-170	PREP	99-14-017	143- 06-130	AMD-P	99-22-056
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132X- 60-020	AMD-P	99-23-035	137-125-010	NEW-E	99-21-028	143- 06-140	AMD	00-01-028
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132X- 60-037	NEW-P	99-23-035	137-125-042	NEW-E	99-21-028	143- 06-160	AMD-P	99-22-056
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132X- 60-046	NEW-P	99-23-035	137-125-052	NEW-E	99-21-028	162- 12-100	AMD-P	99-17-102
132X- 60-050	PREP	99-19-102	137-125-054	NEW-E	99-21-028	162- 12-100	AMD	00-01-177
132X- 60-050	AMD-P	99-23-035	137-125-060	NEW-E	99-21-028	162- 12-100	AMD	00-01-177
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132X- 60-060	AMD-P	99-23-035	137-125-072	NEW-E	99-21-028	162- 12-120	AMD	00-01-177
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132X- 60-070	PREP	99-19-102	137-125-078	NEW-E	99-21-028	162- 12-130	AMD-P	99-17-102
132X- 60-075	NEW-P	99-23-035	137-125-090	NEW-E	99-21-028	162- 12-130	AMD	00-01-177
132X- 60-080	PREP	99-19-102	137-125-095	NEW-E	99-21-028	162- 12-135	AMD-P	99-17-102
132X- 60-080	AMD-P	99-23-035	137-125-095	NEW-E	99-21-028	162- 12-135	AMD	00-01-177
132X- 60-090	PREP	99-19-102	137-125-100	NEW-E	99-21-028	162- 12-140	AMD-P	99-17-102
132X- 60-090	AMD-P	99-23-035	137-125-105	NEW-E	99-21-028	162- 12-140	AMD	00-01-177
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132X- 60-110	PREP	99-19-102	137-125-120	NEW-E	99-21-028	162- 12-150	AMD	00-01-177
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132X- 60-130	PREP	99-19-102	137-125-140	NEW-E	99-21-028	162- 12-170	AMD	00-01-177
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132X- 60-150	AMD-P	99-23-035	137-130-020	NEW-E	99-21-029	162- 16-020	REP	99-15-025
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			137-130-040	NEW-E	99-21-029	162- 16-030	REP	99-15-025
			137-130-050	NEW-E	99-21-029	162- 16-040	REP-P	99-04-108
			137-130-060	NEW-E	99-21-029	162- 16-040	REP	99-15-025
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162-16-070	REP-P	99-04-108	162-18-100	REP	00-01-177	162-26-100	AMD	99-15-025
162-16-070	REP	99-15-025	162-20	PREP	99-12-098	162-26-110	AMD-P	99-04-108
162-16-080	REP-P	99-04-108	162-20-010	AMD-P	99-17-102	162-26-110	AMD	99-15-025
162-16-080	REP	99-15-025	162-20-010	AMD	00-01-177	162-26-120	AMD-P	99-04-108
162-16-090	REP-P	99-04-108	162-20-020	AMD-P	99-17-102	162-26-120	AMD	99-15-025
162-16-090	REP	99-15-025	162-20-020	AMD	00-01-177	162-26-135	NEW-P	99-04-108
162-16-100	REP-P	99-04-108	162-20-030	AMD-P	99-17-102	162-26-135	NEW	99-15-025
162-16-100	REP	99-15-025	162-20-030	AMD	00-01-177	162-26-140	AMD-P	99-04-108
162-16-110	REP-P	99-04-108	162-22	PREP	99-12-100	162-26-140	AMD	99-15-025
162-16-110	REP	99-15-025	162-22-010	AMD-P	99-04-108	162-28	PREP	99-12-098
162-16-120	REP-P	99-04-108	162-22-010	AMD	99-15-025	162-28-030	AMD-P	99-17-102
162-16-120	REP	99-15-025	162-22-020	AMD-P	99-04-108	162-28-030	AMD	00-01-177
162-16-130	REP-P	99-04-108	162-22-020	AMD	99-15-025	162-28-040	AMD-P	99-17-102
162-16-130	REP	99-15-025	162-22-020	AMD	99-15-025	162-28-040	AMD	00-01-177
162-16-140	REP-P	99-04-108	162-22-025	NEW-P	99-04-108	162-30	PREP	99-12-099
162-16-140	REP	99-15-025	162-22-025	NEW	99-15-025	162-30-010	AMD-P	99-04-108
162-16-150	REP-P	99-04-108	162-22-030	REP-P	99-04-108	162-30-010	AMD	99-15-025
162-16-150	REP	99-15-025	162-22-030	REP	99-15-025	162-30-010	AMD	99-15-025
162-16-160	REP-P	99-04-108	162-22-035	NEW-P	99-04-108	162-30-020	AMD-P	99-04-108
162-16-160	REP	99-15-025	162-22-035	NEW	99-15-025	162-30-020	AMD	99-15-025
162-16-170	REP-P	99-04-108	162-22-040	REP-P	99-04-108	162-38	PREP	99-12-100
162-16-170	REP	99-15-025	162-22-040	REP	99-15-025	162-38-040	AMD-P	99-04-108
162-16-200	NEW-P	99-04-108	162-22-045	NEW-P	99-04-108	162-38-040	AMD	99-15-025
162-16-200	NEW	99-15-025	162-22-045	NEW	99-15-025	162-38-100	AMD-P	99-04-108
162-16-210	NEW-P	99-04-108	162-22-050	REP-P	99-04-108	162-38-100	AMD	99-15-025
162-16-210	NEW	99-15-025	162-22-050	REP	99-15-025	162-38-105	NEW-P	99-04-108
162-16-220	NEW-P	99-04-108	162-22-060	REP-P	99-04-108	162-38-105	NEW	99-15-025
162-16-220	NEW	99-15-025	162-22-065	NEW-P	99-04-108	162-38-110	AMD-P	99-04-108
162-16-230	NEW-P	99-04-108	162-22-065	NEW	99-15-025	162-38-110	AMD	99-15-025
162-16-230	NEW	99-15-025	162-22-070	REP-P	99-04-108	162-38-130	REP-P	99-04-108
162-16-240	NEW-P	99-04-108	162-22-070	REP	99-15-025	162-38-130	REP	99-15-025
162-16-240	NEW	99-15-025	162-22-075	NEW-P	99-04-108	162-40	PREP	99-12-098
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162-16-260	NEW-P	99-04-108	162-22-080	REP	99-15-025	162-40-021	AMD-P	99-17-102
162-16-260	NEW	99-15-025	162-22-090	AMD-P	99-04-108	162-40-021	AMD	00-01-177
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162-16-270	NEW	99-15-025	162-22-100	AMD-P	99-04-108	162-40-031	REP	00-01-177
162-16-280	NEW-P	99-04-108	162-22-100	AMD	99-15-025	162-40-041	AMD-P	99-17-102
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162-18-010	REP-P	99-17-102	162-26-020	REP-P	99-04-108	162-40-055	NEW	00-01-177
162-18-010	REP	00-01-177	162-26-020	REP	99-15-025	162-40-061	REP-P	99-17-102
162-18-020	REP-P	99-17-102	162-26-030	REP-P	99-04-108	162-40-061	REP	00-01-177
162-18-020	REP	00-01-177	162-26-030	REP	99-15-025	162-40-065	NEW-P	99-17-102
162-18-030	REP-P	99-17-102	162-26-035	REP-P	99-04-108	162-40-065	NEW	00-01-177
162-18-030	REP	00-01-177	162-26-035	REP	99-15-025	162-40-071	REP-P	99-17-102
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162-18-040	REP	00-01-177	162-26-040	AMD	99-15-025	162-40-075	NEW-P	99-17-102
162-18-050	REP-P	99-17-102	162-26-050	REP-P	99-04-108	162-40-075	NEW	00-01-177
162-18-050	REP	00-01-177	162-26-050	REP	99-15-025	162-40-075	NEW	00-01-177
162-18-060	REP-P	99-17-102	162-26-060	AMD-P	99-04-108	162-40-081	REP-P	99-17-102
162-18-060	REP	00-01-177	162-26-060	AMD	99-15-025	162-40-081	REP	00-01-177
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162-18-070	REP	00-01-177	162-26-070	AMD	99-15-025	162-40-091	REP	00-01-177
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162-18-080	REP	00-01-177	162-26-080	AMD	99-15-025	162-40-101	REP	00-01-177
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162- 40-131	REP	00-01-177	173- 26-200	NEW-W	99-19-074	173-230	AMD-C	99-13-101
162- 40-141	REP-P	99-17-102	173- 26-210	NEW-P	99-08-124	173-230-010	AMD-P	99-12-038
162- 40-141	REP	00-01-177	173- 26-210	NEW-W	99-19-074	173-230-010	AMD	99-24-117
162- 40-151	REP-P	99-17-102	173- 26-220	NEW-P	99-08-124	173-230-020	AMD-P	99-12-038
162- 40-151	REP	00-01-177	173- 26-220	NEW-W	99-19-074	173-230-020	AMD	99-24-117
162- 40-161	REP-P	99-17-102	173- 26-230	NEW-P	99-08-124	173-230-030	REP-P	99-12-038
162- 40-161	REP	00-01-177	173- 26-230	NEW-W	99-19-074	173-230-030	REP	99-24-117
162- 40-171	AMD-P	99-17-102	173- 26-240	NEW-P	99-08-124	173-230-040	AMD-P	99-12-038
162- 40-171	AMD	00-01-177	173- 26-240	NEW-W	99-19-074	173-230-040	AMD	99-24-117
162- 40-181	AMD-P	99-17-102	173- 26-250	NEW-P	99-08-124	173-230-050	REP-P	99-12-038
162- 40-181	AMD	00-01-177	173- 26-250	NEW-W	99-19-074	173-230-050	REP	99-24-117
162- 40-191	AMD-P	99-17-102	173- 26-260	NEW-P	99-08-124	173-230-061	AMD-P	99-12-038
162- 40-191	AMD	00-01-177	173- 26-260	NEW-W	99-19-074	173-230-061	AMD	99-24-117
162- 40-201	AMD-P	99-17-102	173-153-010	NEW-P	99-12-109	173-230-065	NEW-P	99-12-038
162- 40-201	AMD	00-01-177	173-153-010	NEW	99-23-101	173-230-065	NEW	99-24-117
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162- 40-211	AMD	00-01-177	173-153-020	NEW	99-23-101	173-230-070	AMD	99-24-117
162- 40-221	AMD-P	99-17-102	173-153-030	NEW-P	99-12-109	173-230-080	AMD-P	99-12-038
162- 40-221	AMD	00-01-177	173-153-030	NEW	99-23-101	173-230-080	AMD	99-24-117
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162- 40-231	AMD	00-01-177	173-153-040	NEW	99-23-101	173-230-090	AMD	99-24-117
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162- 40-241	REP	00-01-177	173-153-050	NEW	99-23-101	173-230-100	AMD	99-24-117
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162- 40-251	AMD	00-01-177	173-153-060	NEW	99-23-101	173-230-110	AMD	99-24-117
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173- 16-010	REP-P	99-08-124	173-153-070	NEW	99-23-101	173-230-120	AMD	99-24-117
173- 16-010	REP-W	99-19-074	173-153-080	NEW-P	99-12-109	173-230-130	AMD-P	99-12-038
173- 16-020	REP-P	99-08-124	173-153-080	NEW	99-23-101	173-230-130	AMD	99-24-117
173- 16-020	REP-W	99-19-074	173-153-090	NEW-P	99-12-109	173-230-140	AMD-P	99-12-038
173- 16-030	REP-P	99-08-124	173-153-090	NEW	99-23-101	173-230-140	AMD	99-24-117
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173- 16-040	REP-P	99-08-124	173-153-100	NEW-W	00-01-080	173-303	PREP	99-23-102
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173- 16-050	REP-W	99-19-074	173-153-120	NEW-P	99-12-109	173-321-020	AMD-P	99-22-077
173- 16-060	REP-P	99-08-124	173-153-120	NEW	99-23-101	173-321-040	AMD-P	99-22-077
173- 16-060	REP-W	99-19-074	173-153-130	NEW-P	99-12-109	173-321-050	AMD-P	99-22-077
173- 16-064	REP-P	99-08-124	173-153-130	NEW	99-23-101	173-321-060	AMD-P	99-22-077
173- 16-064	REP-W	99-19-074	173-153-140	NEW-P	99-12-109	173-321-080	AMD-P	99-22-077
173- 16-070	REP-P	99-08-124	173-153-140	NEW	99-23-101	173-322	AMD-P	99-22-077
173- 16-070	REP-W	99-19-074	173-153-150	NEW-P	99-12-109	173-322-020	AMD-P	99-22-077
173- 16-200	REP-P	99-08-124	173-153-150	NEW	99-23-101	173-322-030	AMD-P	99-22-077
173- 16-200	REP-W	99-19-074	173-153-160	NEW-P	99-12-109	173-322-040	AMD-P	99-22-077
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173- 26-020	AMD-P	99-08-124	173-153-170	NEW-P	99-12-109	173-322-060	AMD-P	99-22-077
173- 26-020	AMD-W	99-19-074	173-153-170	NEW	99-23-101	173-322-070	AMD-P	99-22-077
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173-548-075	NEW-W	99-23-071	180-24-009	NEW	99-24-125	180-24-185	NEW	99-24-125
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196-25-050	NEW-P	99-10-082	208-620-180	AMD-XA	99-14-006	212-20-310	REP	00-01-077
196-25-050	NEW	99-15-053	208-620-180	AMD	99-22-047	212-20-315	REP-XR	99-21-018
196-25-060	NEW-P	99-10-083	208-630-015	AMD-XA	99-14-007	212-20-315	REP	00-01-077
196-25-060	NEW	99-15-054	208-630-015	AMD	99-22-048	212-20-320	REP-XR	99-21-018
196-25-100	NEW-P	99-10-081	208-630-025	AMD-XA	99-14-007	212-20-320	REP	00-01-077
196-25-100	NEW	99-15-052	208-630-025	AMD	99-22-048	212-20-405	REP-XR	99-21-018
196-26-020	PREP	99-02-070	208-630-035	AMD-XA	99-14-007	212-20-405	REP	00-01-077
196-26-020	AMD-P	99-08-132	208-630-035	AMD	99-22-048	212-20-410	REP-XR	99-21-018
196-26-020	AMD	99-12-036	208-630-100	AMD-XA	99-14-007	212-20-410	REP	00-01-077
196-30-020	NEW-P	99-19-165	208-630-100	AMD	99-22-048	212-20-415	REP-XR	99-21-018
196-30-020	NEW	99-24-022	208-660	PREP	99-16-072	212-20-415	REP	00-01-077
196-30-030	NEW-P	99-19-165	212-20-001	REP-XR	99-21-018	212-20-420	REP-XR	99-21-018
196-30-030	NEW	99-24-022	212-20-001	REP	00-01-077	212-20-420	REP	00-01-077
204-10-020	PREP	99-09-049	212-20-010	REP-XR	99-21-018	212-20-425	REP-XR	99-21-018
204-10-020	AMD-P	99-13-135	212-20-010	REP	00-01-077	212-20-425	REP	00-01-077
204-10-020	AMD	99-18-027	212-20-015	REP-XR	99-21-018	212-20-430	REP-XR	99-21-018
204-24-050	AMD	99-06-023	212-20-015	REP	00-01-077	212-20-430	REP	00-01-077
204-24-050	AMD-XA	99-23-003	212-20-025	REP-XR	99-21-018	212-20-500	REP-XR	99-21-018
204-32-020	PREP	99-09-021	212-20-025	REP	00-01-077	212-20-500	REP	00-01-077
204-32-020	AMD-P	99-13-133	212-20-035	REP-XR	99-21-018	212-20-600	REP-XR	99-21-018
204-32-020	AMD	99-18-028	212-20-035	REP	00-01-077	212-20-600	REP	00-01-077
204-32-040	PREP	99-09-021	212-20-045	REP-XR	99-21-018	212-20-605	REP-XR	99-21-018
204-32-040	AMD-P	99-13-133	212-20-045	REP	00-01-077	212-20-605	REP	00-01-077
204-32-040	AMD	99-18-028	212-20-055	REP-XR	99-21-018	212-20-610	REP-XR	99-21-018
204-32-060	PREP	99-09-021	212-20-055	REP	00-01-077	212-20-610	REP	00-01-077
204-32-060	AMD-P	99-13-133	212-20-065	REP-XR	99-21-018	212-20-615	REP-XR	99-21-018
204-32-060	AMD	99-18-028	212-20-065	REP	00-01-077	212-20-615	REP	00-01-077
204-38-030	PREP	99-20-037	212-20-075	REP-XR	99-21-018	212-20-620	REP-XR	99-21-018
204-38-030	AMD-P	99-24-110	212-20-075	REP	00-01-077	212-20-620	REP	00-01-077
204-38-040	PREP	99-20-037	212-20-085	REP-XR	99-21-018	212-20-625	REP-XR	99-21-018
204-38-040	AMD-P	99-24-110	212-20-085	REP	00-01-077	212-20-625	REP	00-01-077
204-38-050	PREP	99-20-037	212-20-090	REP-XR	99-21-018	212-20-630	REP-XR	99-21-018
204-38-050	AMD-P	99-24-110	212-20-090	REP	00-01-077	212-20-630	REP	00-01-077
204-80-020	AMD	99-02-045	212-20-095	REP-XR	99-21-018	212-20-635	REP-XR	99-21-018
204-90-140	PREP	99-09-049	212-20-095	REP	00-01-077	212-20-635	REP	00-01-077
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204-90-140	AMD	99-18-027	212-20-100	REP	00-01-077	212-20-640	REP	00-01-077
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204-96-010	NEW-P	99-13-134	212-20-200	REP	00-01-077	212-20-645	REP	00-01-077
204-96-010	NEW	99-18-026	212-20-205	REP-XR	99-21-018	212-20-650	REP-XR	99-21-018
204-97-010	NEW-P	99-23-064	212-20-205	REP	00-01-077	212-20-650	REP	00-01-077
204-97-020	NEW-P	99-23-064	212-20-210	REP-XR	99-21-018	212-20-655	REP-XR	99-21-018
204-97-030	NEW-P	99-23-064	212-20-210	REP	00-01-077	212-20-655	REP	00-01-077
204-97-040	NEW-P	99-23-064	212-20-215	REP-XR	99-21-018	212-20-660	REP-XR	99-21-018
208-464-010	REP	99-03-009	212-20-215	REP	00-01-077	212-20-660	REP	00-01-077
208-464-020	REP	99-03-009	212-20-220	REP-XR	99-21-018	212-20-665	REP-XR	99-21-018
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208-464-040	REP	99-03-009	212-20-225	REP-XR	99-21-018	212-20-990	REP-XR	99-21-018
208-464-050	REP	99-03-009	212-20-225	REP	00-01-077	212-20-990	REP	00-01-077
208-464-060	REP	99-03-009	212-20-230	REP-XR	99-21-018	220-16-225	AMD	99-08-029
208-464-070	REP	99-03-009	212-20-230	REP	00-01-077	220-16-257	AMD-P	99-22-105
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208-480-020	REP	99-03-009	212-20-240	REP	00-01-077	220-16-480	AMD-P	99-22-105
208-480-030	REP	99-03-009	212-20-245	REP-XR	99-21-018	220-16-480	AMD	00-01-103
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220-20-016	AMD	99-24-011	220-33-01000Q	NEW-E	99-10-022	220-47-304	AMD-XA	99-13-008
220-20-01600A	NEW-E	99-16-017	220-33-01000Q	REP-E	99-10-022	220-47-304	AMD-P	99-19-168
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220-24-02000K	REP-E	99-18-016	220-33-01000X	REP-E	99-21-010	220-47-31100B	REP-E	99-20-009
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220-32-05100L	REP-E	99-19-011	220-36-02300Z	NEW-E	99-22-029	220-47-401	AMD-XA	99-12-097
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220-47-430	NEW-W	99-12-086	220-52-04600Q	NEW-E	99-11-013	220-55-125	AMD	99-03-029
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220-47-430	NEW-P	99-19-168	220-52-04600Q	REP-E	99-11-021	220-55-160	NEW	99-08-029
220-47-430	NEW	99-24-011	220-52-04600R	NEW-E	99-11-021	220-55-170	NEW-P	99-22-068
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220-47-43000A	REP-E	99-20-009	220-52-04600S	NEW-E	99-11-042	220-56-100	AMD	99-08-029
220-47-601	NEW-E	99-19-009	220-52-04600S	REP-E	99-11-042	220-56-103	AMD	99-08-029
220-47-601	REP-E	99-19-009	220-52-04600T	NEW-E	99-19-136	220-56-103	AMD-P	99-22-105
220-47-601	REP-E	99-19-061	220-52-04600U	NEW-E	99-24-103	220-56-10300D	NEW-E	99-21-026
220-47-602	NEW-E	99-19-061	220-52-04600U	REP-E	99-24-103	220-56-105	AMD-XA	99-11-098
220-47-602	REP-E	99-19-092	220-52-04600V	NEW-E	00-01-127	220-56-105	AMD	99-15-081
220-47-603	NEW-E	99-19-092	220-52-04700B	NEW-E	99-20-029	220-56-105	AMD-P	99-22-105
220-47-603	REP-E	99-20-009	220-52-050	REP-E	99-04-053	220-56-10500B	NEW-E	99-10-049
220-47-604	NEW-E	99-20-009	220-52-051	AMD-P	99-22-096	220-56-10500B	REP-E	99-10-049
220-47-604	REP-E	99-21-040	220-52-051	AMD	00-01-124	220-56-115	AMD-XA	99-11-098
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220-47-605	REP-E	99-23-016	220-52-071	AMD	99-17-068	220-56-11500A	NEW-E	99-10-049
220-47-606	NEW-E	99-23-016	220-52-071	AMD-P	99-22-053	220-56-11500A	REP-E	99-10-049
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220-48-01500J	NEW-E	99-14-049	220-52-07100L	NEW-E	99-15-036	220-56-123	AMD-XA	99-11-098
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220-56-12400F	NEW-E	99-16-056	220-56-245	REP	99-15-081	220-56-33000S	REP-E	99-14-061
220-56-12400F	REP-E	99-18-090	220-56-250	AMD-W	99-10-073	220-56-33000T	NEW-E	99-14-061
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220-56-12800C	NEW-E	99-21-032	220-56-255	AMD	99-08-029	220-56-33000U	NEW-E	99-15-038
220-56-12800C	REP-E	99-21-032	220-56-255	AMD-XA	99-11-098	220-56-33000U	REP-E	99-17-006
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220-56-145	AMD	99-08-029	220-56-25500H	NEW-E	99-10-049	220-56-350	AMD	99-08-029
220-56-145	AMD-P	99-22-105	220-56-25500H	REP-E	99-10-049	220-56-350	AMD-P	99-22-105
220-56-175	AMD-P	99-13-119	220-56-25500H	REP-E	99-11-043	220-56-35000A	NEW-E	99-13-168
220-56-175	AMD	99-17-066	220-56-25500I	NEW-E	99-11-043	220-56-35000A	REP-E	99-15-037
220-56-175	AMD-P	99-22-105	220-56-25500I	REP-E	99-12-074	220-56-35000B	NEW-E	99-15-037
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220-56-185	AMD-XA	99-11-098	220-56-25500J	REP-E	99-15-013	220-56-35000C	NEW-E	99-17-046
220-56-185	AMD	99-15-081	220-56-25500K	NEW-E	99-15-013	220-56-35000C	REP-E	99-19-064
220-56-185	AMD-P	99-22-105	220-56-25500K	REP-E	99-18-054	220-56-35000D	NEW-E	99-19-064
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220-56-191	AMD	99-15-081	220-56-30500D	REP-E	99-13-059	220-56-36000	NEW-E	99-21-009
220-56-191	AMD-P	99-22-066	220-56-30500E	NEW-E	99-13-059	220-56-36000	REP-E	99-21-009
220-56-191	AMD	00-01-103	220-56-30500F	NEW-E	99-14-051	220-56-36000	REP-E	99-22-098
220-56-19100G	NEW-E	99-05-061	220-56-30700A	NEW-E	99-13-145	220-56-36000X	NEW-E	99-22-098
220-56-19100G	REP-E	99-05-061	220-56-310	AMD	99-08-029	220-56-36000X	REP-E	99-22-098
220-56-19100I	NEW-E	99-10-049	220-56-310	AMD-XA	99-11-098	220-56-36000X	REP-E	99-24-003
220-56-19100I	REP-E	99-10-049	220-56-310	AMD	99-15-081	220-56-36000Y	NEW-E	99-24-003
220-56-19100J	NEW-E	99-16-056	220-56-310	AMD-P	99-22-105	220-56-36000Y	REP-E	99-24-003
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220-56-19500B	REP-E	99-10-049	220-56-32500B	NEW-E	99-16-030	220-56-38000P	REP-E	99-07-008
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220-56-19500C	REP-E	99-14-048	220-56-32500C	NEW-E	99-19-135	220-56-38000Q	REP-E	99-09-034
220-56-19500D	NEW-E	99-16-055	220-56-32500X	NEW-E	99-10-035	220-56-38000R	NEW-E	99-09-034
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220-56-235	AMD-P	99-22-105	220-56-33000Q	NEW-E	99-11-014	220-57-12000B	NEW-E	99-22-049
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220-57-137	AMD	99-15-081	220-57-23500J	NEW-E	99-23-026	220-57-31900V	REP-E	99-12-044
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220-57-13701	AMD	99-15-081	220-57-250	AMD-XA	99-11-098	220-57-31900	NEW-E	99-13-130
220-57-140	AMD-XA	99-11-098	220-57-250	AMD	99-15-081	220-57-31900	REP-E	99-13-130
220-57-140	AMD	99-15-081	220-57-255	AMD-XA	99-11-098	220-57-31900X	NEW-E	99-20-047
220-57-14000V	NEW-E	99-10-049	220-57-255	AMD	99-15-081	220-57-31900X	REP-E	00-01-125
220-57-14000V	REP-E	99-10-049	220-57-25500C	NEW-E	99-08-046	220-57-31900Y	NEW-E	00-01-125
220-57-14000	NEW-E	99-22-050	220-57-25500C	REP-E	99-12-044	220-57-31900Y	REP-E	00-01-125
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220-57-145	AMD	99-15-081	220-57-25500D	REP-E	99-10-049	220-57-321	AMD	99-15-081
220-57-14500A	NEW-E	99-10-049	220-57-25500D	REP-E	99-12-044	220-57-32100C	NEW-E	99-11-079
220-57-14500A	REP-E	99-10-049	220-57-25500E	NEW-E	99-12-044	220-57-32100C	REP-E	99-11-079
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220-57-160	AMD	99-15-081	220-57-260	AMD-XA	99-11-098	220-57-33500A	REP-E	99-10-049
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220-57-165	AMD	99-15-081	220-57-28000	NEW-E	99-22-050	220-57-341	NEW	99-15-081
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220-57-17500P	NEW-E	99-10-049	220-57-295	AMD	99-15-081	220-57-34600A	REP-E	99-10-049
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220-57-17500P	REP-E	99-12-046	220-57-300	AMD	99-15-081	220-57-350	AMD	99-15-081
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220-57-187	AMD	99-15-081	220-57-315	REP-E	99-12-044	220-57-36500A	REP-E	99-10-049
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222-24-050	AMD-E	99-16-081	222-46-070	AMD-P	99-20-144	226-12-040	NEW	99-18-048
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222-24-050	AMD-E	99-24-090	226-01-010	NEW	99-18-048	226-16-010	NEW-P	99-13-156
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222-24-051	NEW-C	99-24-088	226-01-020	NEW-E	99-13-157	226-16-010	NEW	99-18-048
222-24-052	NEW-P	99-20-144	226-01-020	NEW	99-18-048	226-16-020	NEW-P	99-13-156
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222-24-060	AMD-C	99-09-078	226-01-030	NEW-E	99-13-157	226-16-020	NEW	99-18-048
222-24-060	AMD-P	99-20-144	226-01-030	NEW	99-18-048	226-16-040	NEW-P	99-13-156
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222-30-010	AMD-C	99-22-032	226-01-050	NEW-E	99-13-157	226-16-050	NEW	99-18-048
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222-30-021	NEW-C	99-24-088	226-01-070	NEW	99-18-048	226-16-150	NEW-P	99-13-156
222-30-022	NEW-P	99-20-144	226-02-010	NEW-P	99-13-156	226-16-150	NEW-E	99-13-157
222-30-022	NEW-C	99-24-088	226-02-010	NEW-E	99-13-157	226-16-150	NEW	99-18-048
222-30-023	NEW-P	99-20-144	226-02-010	NEW	99-18-048	226-16-160	NEW-P	99-13-156
222-30-023	NEW-C	99-24-088	226-02-020	NEW-P	99-13-156	226-16-160	NEW-E	99-13-157
222-30-040	AMD-E	99-07-075	226-02-020	NEW-E	99-13-157	226-16-160	NEW	99-18-048
222-30-040	AMD-E	99-08-078	226-02-020	NEW	99-18-048	226-16-170	NEW-P	99-13-156
222-30-040	AMD-E	99-16-081	226-02-030	NEW-P	99-13-156	226-16-170	NEW-E	99-13-157
222-30-040	AMD-P	99-20-144	226-02-030	NEW-E	99-13-157	226-16-170	NEW	99-18-048
222-30-040	AMD-C	99-24-088	226-02-030	NEW	99-18-048	226-16-180	NEW-P	99-13-156
222-30-040	AMD-E	99-24-090	226-02-040	NEW-P	99-13-156	226-16-180	NEW-E	99-13-157
222-30-045	NEW-P	99-20-144	226-02-040	NEW-E	99-13-157	226-16-180	NEW	99-18-048
222-30-045	NEW-C	99-24-088	226-02-040	NEW	99-18-048	226-16-200	NEW-P	99-13-156
222-30-060	AMD-P	99-20-144	226-02-050	NEW-P	99-13-156	226-16-200	NEW-E	99-13-157
222-30-060	AMD-C	99-24-088	226-02-050	NEW-E	99-13-157	226-16-200	NEW	99-18-048
222-30-070	AMD-C	99-09-078	226-02-050	NEW	99-18-048	226-20-010	NEW-P	99-13-156
222-30-070	AMD-C	99-22-032	226-02-060	NEW-P	99-13-156	226-20-010	NEW-E	99-13-157
222-30-070	AMD-P	99-24-087	226-02-060	NEW-E	99-13-157	226-20-010	NEW	99-18-048
222-38-010	AMD-P	99-20-144	226-02-060	NEW	99-18-048	226-20-020	NEW-P	99-13-156
222-38-010	AMD-C	99-24-088	226-02-070	NEW-P	99-13-156	226-20-020	NEW-E	99-13-157
222-38-020	AMD-C	99-09-078	226-02-070	NEW-E	99-13-157	226-20-020	NEW	99-18-048
222-38-020	AMD-P	99-20-144	226-02-070	NEW	99-18-048	226-20-030	NEW-P	99-13-156
222-38-020	AMD-C	99-22-032	226-02-070	NEW-P	99-13-156	226-20-030	NEW-E	99-13-157
222-38-020	AMD-C	99-24-088	226-02-080	NEW-E	99-13-157	226-20-030	NEW	99-18-048
222-38-030	AMD-C	99-09-078	226-02-080	NEW-P	99-13-156	226-20-040	NEW-P	99-13-156
222-38-030	AMD-P	99-20-144	226-02-080	NEW-E	99-13-157	226-20-040	NEW-E	99-13-157
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226- 20-050	NEW	99-18-048	230- 20-115	AMD	99-11-078	230- 40-600	NEW-P	99-08-093
226- 20-060	NEW-P	99-13-156	230- 20-125	AMD-P	99-08-094	230- 40-600	NEW-W	99-21-059
226- 20-060	NEW-E	99-13-157	230- 20-125	AMD	99-11-078	230- 40-610	NEW-P	99-08-093
226- 20-060	NEW	99-18-048	230- 20-192	AMD-P	99-18-077	230- 40-610	NEW-W	99-21-059
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230- 02-109	NEW-W	99-21-059	230- 20-210	REP-P	99-18-109	230- 40-800	NEW-W	99-21-059
230- 02-110	AMD-P	99-08-093	230- 20-210	REP	00-01-002	230- 40-810	NEW-P	99-08-093
230- 02-110	AMD-W	99-21-059	230- 20-230	AMD-P	99-08-094	230- 40-810	NEW-W	99-21-059
230- 02-145	NEW-P	99-08-094	230- 20-230	AMD	99-11-078	230- 40-815	NEW-P	99-08-093
230- 02-145	NEW	99-11-078	230- 20-242	AMD-P	99-08-094	230- 40-815	NEW-W	99-21-059
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230- 02-400	REP-P	99-08-093	230- 40-015	AMD-P	99-08-093	230- 40-825	NEW-W	99-21-059
230- 02-400	REP-W	99-21-059	230- 40-015	AMD-W	99-21-059	230- 40-830	NEW-P	99-08-093
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230- 02-425	AMD-W	99-21-059	230- 40-030	AMD-W	99-21-059	230- 40-833	NEW-P	99-08-093
230- 04-020	AMD-P	99-13-205	230- 40-050	AMD-P	99-08-093	230- 40-833	NEW-W	99-21-059
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230- 04-022	AMD-P	99-08-093	230- 40-060	REP-P	99-08-093	230- 40-835	NEW-W	99-21-059
230- 04-022	AMD-W	99-21-059	230- 40-060	REP-W	99-21-059	230- 40-840	NEW-P	99-08-093
230- 04-080	AMD-P	99-13-206	230- 40-070	AMD-P	99-08-093	230- 40-840	NEW-W	99-21-059
230- 04-080	AMD	99-18-002	230- 40-070	AMD-W	99-21-059	230- 40-845	NEW-P	99-08-093
230- 04-119	AMD-P	00-01-146A	230- 40-120	AMD-P	99-08-093	230- 40-845	NEW-W	99-21-059
230- 04-133	AMD-P	99-21-077	230- 40-120	AMD-W	99-21-059	230- 40-850	NEW-P	99-08-093
230- 04-133	AMD	99-24-099	230- 40-125	AMD-P	99-08-093	230- 40-850	NEW-W	99-21-059
230- 04-140	AMD-P	99-08-093	230- 40-125	AMD-P	99-09-096	230- 40-855	NEW-P	99-08-093
230- 04-140	AMD-W	99-21-059	230- 40-125	REP-P	99-09-096	230- 40-855	NEW-W	99-21-059
230- 04-198	REP-P	99-21-077	230- 40-125	AMD	99-13-102	230- 40-860	NEW-P	99-08-093
230- 04-198	REP	99-24-099	230- 40-125	AMD-W	99-21-059	230- 40-860	NEW-W	99-21-059
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230- 04-202	AMD	99-24-099	230- 40-130	AMD-W	99-21-059	230- 40-865	NEW-W	99-21-059
230- 04-203	AMD-P	99-08-093	230- 40-150	REP-P	99-08-093	230- 40-870	NEW-P	99-08-093
230- 04-203	AMD-W	99-21-059	230- 40-150	REP-W	99-21-059	230- 40-870	NEW-W	99-21-059
230- 04-203	AMD-P	99-21-077	230- 40-160	REP-P	99-08-093	230- 40-875	NEW-P	99-08-093
230- 04-203	AMD	99-24-099	230- 40-160	REP-W	99-21-059	230- 40-875	NEW-W	99-21-059
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230- 04-204	AMD-W	99-21-059	230- 40-200	AMD-W	99-21-059	230- 40-880	NEW-W	99-21-059
230- 04-204	AMD-P	99-21-077	230- 40-225	AMD-P	99-08-093	230- 40-885	NEW-P	99-08-093
230- 04-204	AMD	99-24-099	230- 40-225	AMD-W	99-21-059	230- 40-885	NEW-W	99-21-059
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230- 04-206	REP	99-24-099	230- 40-400	AMD-W	99-21-059	230- 40-890	NEW-W	99-21-059
230- 04-207	NEW-P	99-08-093	230- 40-550	NEW-P	99-08-093	230- 40-900	REP-P	99-08-093
230- 04-207	NEW-W	99-21-059	230- 40-550	NEW-W	99-21-059	230- 40-900	REP-W	99-21-059
230- 08-027	NEW-P	99-08-093	230- 40-552	NEW-P	99-08-093	230- 46-020	AMD-P	99-18-077
230- 08-027	NEW-W	99-21-059	230- 40-552	NEW-W	99-21-059	230- 46-035	NEW-P	99-18-077
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230- 08-040	AMD-W	99-21-059	230- 40-554	NEW-W	99-21-059	230- 46-045	NEW	00-01-003
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230- 08-090	AMD-W	99-21-059	230- 40-556	NEW-W	99-21-059	230- 50-010	AMD-W	99-21-059
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230- 12-030	AMD	00-01-002	230- 40-560	NEW-W	99-21-059	232- 12-001	AMD	99-08-029
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230- 12-050	AMD-W	99-21-059	230- 40-562	NEW-W	99-21-059	232- 12-014	AMD-P	99-22-085
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230- 12-072	NEW-W	99-21-059	230- 40-564	NEW-W	99-21-059	232- 12-01701	AMD	99-08-024
230- 12-345	NEW-P	99-08-093	230- 40-566	NEW-P	99-08-093	232- 12-018	AMD	99-08-029
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232-12-047	AMD-W	99-10-112	232-28-02203	AMD-P	99-22-085	232-28-61900D	NEW-E	99-07-006
232-12-054	AMD-P	99-05-064	232-28-02204	AMD-P	99-05-063	232-28-61900D	REP-E	99-07-006
232-12-054	AMD-W	99-10-112	232-28-02204	AMD	99-10-102	232-28-61900E	NEW-E	99-08-046
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232-12-072	NEW	99-03-029	232-28-02205	AMD-P	99-22-085	232-28-61900F	REP-E	99-09-015
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232-12-134	AMD-P	99-13-194	232-28-02240	AMD-P	99-05-063	232-28-61900G	REP-E	99-12-044
232-12-134	AMD	99-17-034	232-28-02240	AMD	99-10-102	232-28-61900H	NEW-E	99-11-044
232-12-137	REP-P	99-13-194	232-28-02240	AMD-P	99-22-085	232-28-61900H	REP-E	99-11-044
232-12-137	REP	99-17-034	232-28-20401	REP-P	99-13-194	232-28-61900I	NEW-E	99-12-002
232-12-141	AMD-P	99-13-194	232-28-20401	REP	99-17-034	232-28-61900J	NEW-E	99-12-001
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232-12-157	AMD	99-03-029	232-28-248	AMD-P	99-05-063	232-28-61900K	REP-E	99-12-044
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232-12-191	REP	00-01-102	232-28-263	REP-P	99-22-085	232-28-61900N	NEW-E	99-13-099
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232-12-242	AMD-P	99-13-194	232-28-264	AMD	99-10-102	232-28-61900Q	NEW-E	99-18-091
232-12-242	AMD-W	99-16-001	232-28-264	AMD-P	99-13-194	232-28-61900Q	REP-E	99-18-091
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232-12-261	AMD-P	99-13-194	232-28-269	REP-P	99-22-085	232-28-61900R	REP-E	99-19-018
232-12-261	AMD	99-17-034	232-28-270	REP-P	99-22-085	232-28-61900R	REP-E	99-19-063
232-12-264	AMD-P	99-13-194	232-28-271	AMD-P	99-05-063	232-28-61900S	NEW-E	99-19-010
232-12-264	AMD	99-17-034	232-28-271	AMD	99-10-102	232-28-61900S	REP-E	99-19-010
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232-12-291	AMD	99-17-034	232-28-273	AMD-P	99-05-063	232-28-61900T	REP-E	99-19-063
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246-290-100	AMD	99-07-021	246-290-694	AMD	99-07-021	246-318-610	REP	99-04-052
246-290-105	NEW	99-07-021	246-290-696	AMD	99-07-021	246-318-620	REP	99-04-052
246-290-110	AMD	99-07-021	246-290-990	AMD-P	99-07-120	246-318-630	REP	99-04-052
246-290-115	REP	99-07-021	246-290-990	AMD	99-12-022	246-318-640	REP	99-04-052

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-318-650	REP	99-04-052	246-320-635	NEW	99-04-052	246-358-600	REP-P	99-23-109
246-318-660	REP	99-04-052	246-320-645	NEW	99-04-052	246-358-610	NEW-P	99-08-098
246-318-670	REP	99-04-052	246-320-655	NEW	99-04-052	246-358-610	NEW	99-12-006
246-318-680	REP	99-04-052	246-320-665	NEW	99-04-052	246-358-610	REP-P	99-23-109
246-318-690	REP	99-04-052	246-320-675	NEW	99-04-052	246-358-620	NEW-P	99-08-098
246-318-700	REP	99-04-052	246-320-685	NEW	99-04-052	246-358-620	NEW	99-12-006
246-318-710	REP	99-04-052	246-320-695	NEW	99-04-052	246-358-620	REP-P	99-23-109
246-318-720	REP	99-04-052	246-320-705	NEW	99-04-052	246-358-630	NEW-P	99-08-098
246-318-730	REP	99-04-052	246-320-715	NEW	99-04-052	246-358-630	NEW	99-12-006
246-318-740	REP	99-04-052	246-320-725	NEW	99-04-052	246-358-630	REP-P	99-23-109
246-318-750	REP	99-04-052	246-320-735	NEW	99-04-052	246-358-640	NEW-P	99-08-098
246-318-760	REP	99-04-052	246-320-745	NEW	99-04-052	246-358-640	NEW	99-12-006
246-318-770	REP	99-04-052	246-320-755	NEW	99-04-052	246-358-640	REP-P	99-23-109
246-318-780	REP	99-04-052	246-320-765	NEW	99-04-052	246-358-650	NEW-P	99-08-098
246-318-790	REP	99-04-052	246-320-775	NEW	99-04-052	246-358-650	NEW	99-12-006
246-318-800	REP	99-04-052	246-320-785	NEW	99-04-052	246-358-650	REP-P	99-23-109
246-318-810	REP	99-04-052	246-320-795	NEW	99-04-052	246-358-660	NEW-P	99-08-098
246-318-820	REP	99-04-052	246-320-805	NEW	99-04-052	246-358-660	NEW	99-12-006
246-318-830	REP	99-04-052	246-320-815	NEW	99-04-052	246-358-660	REP-P	99-23-109
246-318-840	REP	99-04-052	246-320-990	NEW	99-04-052	246-358-670	NEW-P	99-08-098
246-318-850	REP	99-04-052	246-320-990	AMD-P	99-21-064	246-358-670	NEW	99-12-006
246-318-860	REP	99-04-052	246-320-990	AMD	99-24-096	246-358-670	REP-P	99-23-109
246-318-870	REP	99-04-052	246-320-99902	NEW	99-04-052	246-358-680	NEW-P	99-08-098
246-318-990	REP	99-04-052	246-322-990	AMD-P	99-20-091	246-358-680	NEW	99-12-006
246-318-99902	REP	99-04-052	246-322-990	AMD	99-24-060	246-358-680	REP-P	99-23-109
246-318-99910	REP	99-04-052	246-323-990	AMD-P	99-21-065	246-358-990	AMD-P	99-21-075
246-320-001	NEW	99-04-052	246-323-990	AMD	99-24-094	246-358-990	AMD	99-24-095
246-320-010	NEW	99-04-052	246-324-990	AMD-P	99-20-091	246-359-001	NEW	99-03-065
246-320-025	NEW	99-04-052	246-324-990	AMD	99-24-060	246-359-005	NEW	99-03-065
246-320-045	NEW	99-04-052	246-325-990	AMD-P	99-21-065	246-359-010	NEW	99-03-065
246-320-065	NEW	99-04-052	246-325-990	AMD	99-24-094	246-359-020	NEW	99-03-065
246-320-085	NEW	99-04-052	246-326-990	AMD-P	99-21-065	246-359-030	NEW	99-03-065
246-320-105	NEW	99-04-052	246-326-990	AMD	99-24-094	246-359-040	NEW	99-03-065
246-320-125	NEW	99-04-052	246-338-990	AMD-P	99-21-074	246-359-050	NEW	99-03-065
246-320-145	NEW	99-04-052	246-338-990	AMD	99-24-061	246-359-060	NEW	99-03-065
246-320-165	NEW	99-04-052	246-358	PREP	99-15-108	246-359-070	NEW	99-03-065
246-320-185	NEW	99-04-052	246-358-001	AMD-P	99-23-109	246-359-080	NEW	99-03-065
246-320-205	NEW	99-04-052	246-358-010	AMD-P	99-23-109	246-359-090	NEW	99-03-065
246-320-225	NEW	99-04-052	246-358-020	REP-P	99-23-109	246-359-100	NEW	99-03-065
246-320-245	NEW	99-04-052	246-358-025	AMD-E	99-10-096	246-359-110	NEW	99-03-065
246-320-265	NEW	99-04-052	246-358-025	AMD-P	99-23-109	246-359-120	NEW	99-03-065
246-320-285	NEW	99-04-052	246-358-027	NEW-P	99-23-109	246-359-130	NEW	99-03-065
246-320-305	NEW	99-04-052	246-358-029	NEW-P	99-23-109	246-359-140	NEW	99-03-065
246-320-325	NEW	99-04-052	246-358-030	REP-P	99-23-109	246-359-150	NEW	99-03-065
246-320-345	NEW	99-04-052	246-358-040	NEW-P	99-23-109	246-359-160	NEW	99-03-065
246-320-365	NEW	99-04-052	246-358-045	AMD-P	99-23-109	246-359-170	NEW	99-03-065
246-320-385	NEW	99-04-052	246-358-055	AMD-P	99-23-109	246-359-180	NEW	99-03-065
246-320-405	NEW	99-04-052	246-358-065	AMD-P	99-23-109	246-359-200	NEW	99-03-065
246-320-500	NEW	99-04-052	246-358-070	NEW-P	99-23-109	246-359-210	NEW	99-03-065
246-320-505	NEW	99-04-052	246-358-075	AMD-P	99-23-109	246-359-220	NEW	99-03-065
246-320-515	NEW	99-04-052	246-358-090	AMD-P	99-23-109	246-359-230	NEW	99-03-065
246-320-525	NEW	99-04-052	246-358-095	AMD-P	99-23-109	246-359-240	NEW	99-03-065
246-320-535	NEW	99-04-052	246-358-100	AMD-P	99-23-109	246-359-250	NEW	99-03-065
246-320-545	NEW	99-04-052	246-358-125	AMD-P	99-23-109	246-359-300	NEW	99-03-065
246-320-555	NEW	99-04-052	246-358-135	AMD-P	99-23-109	246-359-310	NEW	99-03-065
246-320-565	NEW	99-04-052	246-358-140	REP-P	99-23-109	246-359-320	NEW	99-03-065
246-320-575	NEW	99-04-052	246-358-145	AMD-P	99-23-109	246-359-330	NEW	99-03-065
246-320-585	NEW	99-04-052	246-358-155	AMD-P	99-23-109	246-359-340	NEW	99-03-065
246-320-595	NEW	99-04-052	246-358-165	AMD-P	99-23-109	246-359-350	NEW	99-03-065
246-320-605	NEW	99-04-052	246-358-175	AMD-P	99-23-109	246-359-400	NEW	99-03-065
246-320-615	NEW	99-04-052	246-358-600	NEW-P	99-08-098	246-359-405	NEW	99-03-065
246-320-625	NEW	99-04-052	246-358-600	NEW	99-12-006	246-359-410	NEW	99-03-065

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-359-420	NEW	99-03-065	246-560-075	NEW	99-03-043	246-811-990	NEW	99-13-084
246-359-430	NEW	99-03-065	246-560-077	NEW	99-03-043	246-812	PREP-W	99-23-086
246-359-440	NEW	99-03-065	246-560-085	NEW	99-03-043	246-812-990	AMD-XA	99-18-081
246-359-500	NEW	99-03-065	246-562	PREP	99-15-101	246-817-990	AMD-P	99-02-057
246-359-510	NEW	99-03-065	246-650-990	AMD-P	99-16-115	246-817-990	AMD	99-08-101
246-359-520	NEW	99-03-065	246-650-990	AMD	99-20-036	246-822-990	AMD-P	99-02-057
246-359-530	NEW	99-03-065	246-650-991	NEW-P	99-16-115	246-822-990	AMD	99-08-101
246-359-540	NEW	99-03-065	246-650-991	NEW	99-20-036	246-824-010	PREP-W	99-23-086
246-359-540	NEW	99-03-065	246-760	PREP	99-11-030	246-824-020	PREP-W	99-23-086
246-359-550	NEW	99-03-065	246-762	PREP	99-11-031	246-824-025	PREP-W	99-23-086
246-359-560	NEW	99-03-065	246-790	PREP	99-13-082	246-824-075	PREP-W	99-23-086
246-359-565	NEW	99-03-065	246-802-030	PREP-W	99-23-086	246-824-220	PREP-W	99-23-086
246-359-570	NEW	99-03-065	246-802-040	PREP-W	99-23-086	246-824-990	PREP-W	99-23-086
246-359-575	NEW	99-03-065	246-802-050	PREP-W	99-23-086	246-828-045	NEW	99-08-102
246-359-580	NEW	99-03-065	246-802-060	PREP-W	99-23-086	246-828-061	NEW-P	99-11-036
246-359-590	NEW	99-03-065	246-802-990	AMD-P	99-02-057	246-828-061	NEW	99-19-059
246-359-600	NEW	99-03-065	246-802-990	AMD	99-08-101	246-828-080	PREP	99-22-089
246-359-700	NEW	99-03-065	246-808-101	REP-XR	99-03-061	246-828-090	PREP	99-22-089
246-359-710	NEW	99-03-065	246-808-301	REP-XR	99-03-061	246-828-100	PREP	99-22-089
246-359-720	NEW	99-03-065	246-808-320	REP-XR	99-03-061	246-828-105	AMD-XA	99-08-096
246-359-730	NEW	99-03-065	246-808-330	REP-XR	99-03-061	246-828-105	AMD	99-19-058
246-359-740	NEW	99-03-065	246-808-340	REP-XR	99-03-061	246-828-110	REP	99-07-020
246-359-750	NEW	99-03-065	246-808-350	REP-XR	99-03-061	246-828-120	REP	99-07-020
246-359-760	NEW	99-03-065	246-808-350	REP-XR	99-03-061	246-828-130	REP	99-07-020
246-359-800	NEW	99-03-065	246-808-360	REP-XR	99-03-061	246-828-140	REP	99-07-020
246-359-990	NEW	99-03-065	246-808-370	REP-XR	99-03-061	246-828-150	REP	99-07-020
246-360-990	PREP	99-10-077	246-808-380	REP-XR	99-03-061	246-828-160	REP	99-07-020
246-360-990	AMD-P	99-19-130	246-808-390	REP-XR	99-03-061	246-828-170	REP	99-07-020
246-360-990	AMD	99-23-015	246-808-640	REP-XR	99-03-061	246-828-180	REP	99-07-020
246-361-001	NEW-P	99-23-109	246-808-990	AMD-P	99-02-057	246-828-190	REP	99-07-020
246-361-010	NEW-P	99-23-109	246-808-990	AMD	99-08-101	246-828-200	REP	99-07-020
246-361-020	NEW-P	99-23-109	246-810-600	NEW-P	99-22-092	246-828-210	REP	99-07-020
246-361-025	NEW-P	99-23-109	246-810-610	NEW-P	99-22-092	246-828-220	PREP	99-22-089
246-361-030	NEW-P	99-23-109	246-810-620	NEW-P	99-22-092	246-828-230	REP	99-07-020
246-361-035	NEW-P	99-23-109	246-810-630	NEW-P	99-22-092	246-828-240	REP	99-07-020
246-361-045	NEW-P	99-23-109	246-810-640	NEW-P	99-22-092	246-828-250	REP	99-07-020
246-361-055	NEW-P	99-23-109	246-810-650	NEW-P	99-22-092	246-828-260	REP	99-07-020
246-361-065	NEW-P	99-23-109	246-810-660	NEW-P	99-22-092	246-828-270	PREP	99-22-089
246-361-070	NEW-P	99-23-109	246-810-990	AMD-P	99-02-057	246-828-280	REP-XR	99-16-046
246-361-075	NEW-P	99-23-109	246-810-990	AMD	99-08-101	246-828-280	REP	99-20-063
246-361-080	NEW-P	99-23-109	246-811-010	NEW-P	99-09-100	246-828-290	AMD	99-08-103
246-361-090	NEW-P	99-23-109	246-811-010	NEW	99-13-084	246-828-310	REP	99-07-020
246-361-095	NEW-P	99-23-109	246-811-030	NEW-P	99-09-100	246-828-320	PREP	99-22-088
246-361-100	NEW-P	99-23-109	246-811-030	NEW	99-13-084	246-828-330	PREP	99-22-088
246-361-125	NEW-P	99-23-109	246-811-045	NEW-P	99-09-100	246-828-340	REP	99-07-019
246-361-135	NEW-P	99-23-109	246-811-045	NEW	99-13-084	246-828-350	PREP	99-22-089
246-361-145	NEW-P	99-23-109	246-811-046	NEW-P	99-09-100	246-830-485	NEW-P	00-01-185
246-361-155	NEW-P	99-23-109	246-811-046	NEW	99-13-084	246-830-990	AMD-P	99-02-057
246-361-165	NEW-P	99-23-109	246-811-047	NEW-P	99-09-100	246-830-990	AMD	99-08-101
246-361-175	NEW-P	99-23-109	246-811-047	NEW	99-13-084	246-834-050	NEW	99-03-064
246-361-990	NEW-P	99-23-109	246-811-048	NEW-P	99-09-100	246-834-060	AMD	99-03-064
246-560-001	AMD	99-03-043	246-811-048	NEW	99-13-084	246-834-070	AMD	99-03-064
246-560-002	NEW	99-03-043	246-811-049	NEW-P	99-09-100	246-834-080	AMD	99-03-064
246-560-010	AMD	99-03-043	246-811-049	NEW	99-13-084	246-834-990	PREP	99-06-090
246-560-010	AMD	99-03-043	246-811-060	NEW-P	99-20-060	246-838-040	REP	99-08-104
246-560-011	NEW	99-03-043	246-811-060	NEW-P	99-20-060	246-840	PREP	99-11-033
246-560-025	NEW	99-03-043	246-811-060	NEW	00-01-122	246-840	PREP-W	99-23-086
246-560-035	NEW	99-03-043	246-811-070	NEW-P	99-09-100	246-840-010	PREP	99-11-032
246-560-040	AMD	99-03-043	246-811-070	NEW	99-13-084	246-840-020	AMD-P	99-06-092
246-560-045	NEW	99-03-043	246-811-075	NEW-P	99-09-100	246-840-020	AMD	99-10-079
246-560-050	AMD	99-03-043	246-811-075	NEW	99-13-084	246-840-020	PREP	99-11-032
246-560-060	AMD	99-03-043	246-811-080	NEW-P	99-09-100	246-840-050	AMD-P	99-08-099
246-560-065	NEW	99-03-043	246-811-080	NEW	99-13-084			
246-560-070	REP	99-03-043	246-811-990	NEW-P	99-09-100			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-050	AMD	99-13-086	246-843-122	REP-P	99-20-093	246-888-080	NEW-P	99-18-084
246-840-070	AMD-P	99-08-099	246-843-122	REP	00-01-072	246-888-080	NEW	00-01-123
246-840-070	AMD	99-13-086	246-843-125	REP-P	99-20-095	246-888-090	NEW-P	99-18-084
246-840-090	AMD-P	99-08-099	246-843-125	REP	00-01-074	246-888-090	NEW	00-01-123
246-840-090	AMD	99-13-086	246-843-130	AMD-P	99-20-095	246-888-100	NEW-P	99-18-084
246-840-125	PREP	99-03-066	246-843-130	AMD	00-01-074	246-888-100	NEW	00-01-123
246-840-125	PREP-W	99-23-086	246-843-150	AMD-P	99-20-095	246-888-110	NEW-P	99-18-084
246-840-565	PREP	99-11-032	246-843-150	AMD	00-01-074	246-888-110	NEW	00-01-123
246-840-730	AMD-P	99-18-082	246-843-170	REP-P	99-20-093	246-901-065	PREP-W	99-23-086
246-840-730	AMD	00-01-186	246-843-170	REP	00-01-072	246-915-990	AMD-P	99-02-057
246-840-740	NEW	99-04-051	246-843-200	REP	99-03-068	246-915-990	AMD	99-08-101
246-840-760	PREP	99-11-032	246-843-205	AMD-P	99-20-058	246-918-115	NEW-P	99-07-121
246-840-840	PREP	99-14-002	246-843-205	AMD	00-01-067	246-918-115	NEW-W	99-20-089
246-840-850	PREP	99-14-002	246-843-220	REP	99-03-067	246-918-116	NEW-P	99-07-121
246-840-860	PREP	99-14-002	246-843-225	REP	99-03-067	246-918-116	NEW-W	99-20-089
246-840-870	PREP	99-14-002	246-843-230	AMD-P	99-20-093	246-918-171	NEW-P	99-18-085
246-840-880	PREP	99-14-002	246-843-230	AMD	00-01-072	246-918-171	NEW	99-23-090
246-840-890	PREP	99-14-002	246-843-231	NEW-P	99-20-093	246-918-990	AMD-P	99-06-093
246-840-900	PREP	99-14-002	246-843-231	NEW	00-01-072	246-918-990	AMD	99-13-087
246-840-920	PREP	99-11-032	246-843-990	AMD-P	99-21-067	246-918-990	AMD-P	99-18-085
246-841-990	PREP	99-16-114	246-843-990	AMD	99-24-098	246-918-990	AMD	99-23-090
246-841-990	AMD-P	99-21-066	246-845-990	AMD-P	99-02-057	246-919-421	NEW-P	99-18-085
246-841-990	AMD	99-24-062	246-845-990	AMD	99-08-101	246-919-421	NEW	99-23-090
246-843-001	REP-P	99-20-059	246-845-990	PREP-W	99-23-086	246-919-430	AMD-P	99-18-085
246-843-001	REP	00-01-073	246-847-990	AMD-P	99-02-057	246-919-430	AMD	99-23-090
246-843-010	AMD-P	99-20-092	246-847-990	AMD	99-08-101	246-919-450	AMD-P	99-18-085
246-843-010	AMD	00-01-071	246-849-990	AMD-P	99-02-057	246-919-450	AMD	99-23-090
246-843-015	NEW-P	99-20-092	246-849-990	AMD	99-08-101	246-919-460	AMD-P	99-18-085
246-843-015	NEW	00-01-071	246-850	PREP-W	99-23-086	246-919-460	AMD	99-23-090
246-843-030	REP-P	99-20-059	246-850-060	NEW-P	99-03-083	246-919-630	NEW-P	99-07-121
246-843-030	REP	00-01-073	246-850-060	NEW	99-07-122	246-919-630	NEW-W	99-20-089
246-843-040	AMD-P	99-20-059	246-851-270	REP	99-16-047	246-919-640	NEW-P	99-07-121
246-843-040	AMD	00-01-073	246-851-340	REP	99-16-047	246-919-640	NEW-W	99-20-089
246-843-050	REP-P	99-20-059	246-851-360	REP	99-16-047	246-919-800	NEW-P	99-18-086
246-843-050	REP	00-01-073	246-851-990	AMD-P	99-02-057	246-919-800	NEW	99-22-090
246-843-060	REP	99-03-069	246-851-990	AMD	99-08-101	246-919-810	NEW-P	99-18-086
246-843-070	AMD-P	99-20-093	246-853-990	AMD-P	99-21-068	246-919-810	NEW	99-22-090
246-843-070	AMD	00-01-072	246-853-990	AMD	99-24-063	246-919-820	NEW-P	99-18-086
246-843-071	NEW-P	99-20-093	246-865	PREP-W	99-23-086	246-919-820	NEW	99-22-090
246-843-071	NEW	00-01-072	246-869	PREP-W	99-23-086	246-919-830	NEW-P	99-18-086
246-843-072	NEW-P	99-20-093	246-872	PREP-W	99-23-086	246-919-830	NEW	99-22-090
246-843-072	NEW	00-01-072	246-875	PREP-W	99-23-086	246-919-990	AMD-P	99-18-085
246-843-073	NEW-P	99-20-093	246-879	PREP-W	99-23-086	246-919-990	AMD	99-23-090
246-843-073	NEW	00-01-072	246-883-020	AMD-P	99-18-083	246-922	PREP-W	99-23-086
246-843-074	NEW-P	99-20-093	246-887-140	AMD	00-01-075	246-922-010	AMD-P	99-08-100
246-843-074	NEW	00-01-072	246-887-160	AMD-XA	99-16-116	246-922-010	AMD	99-14-074
246-843-080	REP-P	99-20-093	246-887-160	AMD	00-01-075	246-922-090	REP-P	99-08-100
246-843-080	REP	00-01-072	246-887-170	PREP-W	99-23-086	246-922-090	REP	99-14-074
246-843-090	AMD-P	99-20-094	246-888-010	NEW-P	99-18-084	246-922-100	AMD-P	99-08-100
246-843-090	AMD	00-01-070	246-888-010	NEW	00-01-123	246-922-100	AMD	99-14-074
246-843-093	NEW-P	99-20-094	246-888-020	NEW-P	99-18-084	246-922-300	AMD-P	99-15-104
246-843-093	NEW	00-01-070	246-888-020	NEW	00-01-123	246-922-300	AMD	99-20-096
246-843-095	AMD-P	99-20-094	246-888-030	NEW-P	99-18-084	246-922-310	AMD-P	99-15-104
246-843-095	AMD	00-01-070	246-888-030	NEW	00-01-123	246-922-310	AMD	99-20-096
246-843-100	REP-P	99-20-093	246-888-040	NEW-P	99-18-084	246-922-990	AMD-P	99-21-069
246-843-100	REP	00-01-072	246-888-040	NEW	00-01-123	246-922-990	AMD	99-24-064
246-843-110	REP-P	99-20-093	246-888-050	NEW-P	99-18-084	246-924-180	AMD-P	99-09-101
246-843-110	REP	00-01-072	246-888-050	NEW	00-01-123	246-924-180	AMD	99-14-075
246-843-115	REP-P	99-20-093	246-888-060	NEW-P	99-18-084	246-924-230	AMD-P	99-09-101
246-843-115	REP	00-01-072	246-888-060	NEW	00-01-123	246-924-230	AMD	99-14-075
246-843-120	REP-P	99-20-093	246-888-070	NEW-P	99-18-084	246-924-240	AMD-P	99-09-101
246-843-120	REP	00-01-072	246-888-070	NEW	00-01-123	246-924-240	AMD	99-14-075

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246-924-250	AMD-P	99-09-101	250- 20-011	AMD-P	99-10-074	251- 19-050	AMD-P	99-13-106
246-924-250	AMD	99-14-075	250- 20-011	AMD	99-16-015	251- 19-050	AMD	99-19-118
246-924-300	AMD-P	99-09-101	250- 20-021	AMD-P	99-10-074	251- 19-060	AMD-P	99-13-106
246-924-300	AMD	99-14-075	250- 20-021	AMD	99-16-015	251- 19-060	AMD	99-19-118
246-924-330	AMD-P	99-09-101	250- 20-031	AMD-P	99-10-074	251- 19-180	NEW-P	99-16-102
246-924-330	AMD	99-14-075	250- 20-031	AMD	99-16-015	251- 19-180	NEW	99-19-119
246-924-340	REP-P	99-09-101	250- 20-041	AMD-P	99-10-074	251- 20-020	AMD-P	99-16-101
246-924-340	REP	99-14-075	250- 20-041	AMD	99-16-015	251- 20-030	AMD-P	99-16-101
246-924-500	PREP-W	99-23-086	250- 61-060	AMD	99-06-022	251- 23-010	AMD-P	99-02-054
246-924-990	AMD-P	99-02-057	250- 61-090	AMD	99-06-021	251- 23-010	AMD	99-05-042
246-924-990	AMD	99-08-101	250- 66-020	AMD-P	00-01-180	251- 23-030	AMD-P	99-02-054
246-924-990	PREP-W	99-23-086	250- 66-030	AMD-P	00-01-180	251- 23-030	AMD	99-05-042
246-926-990	AMD-P	99-02-057	250- 66-040	AMD-P	00-01-180	251- 23-040	AMD-P	99-02-054
246-926-990	AMD	99-08-101	250- 66-045	NEW-P	00-01-180	251- 23-040	AMD	99-05-042
246-928-990	AMD-P	99-02-057	250- 66-050	AMD-P	00-01-180	251- 23-050	AMD-P	99-02-054
246-928-990	AMD	99-08-101	250- 79	PREP	99-10-070	251- 23-050	AMD	99-05-042
246-930-330	PREP	99-14-001	250- 79-030	NEW-E	99-14-034	251- 23-060	AMD-P	99-02-054
246-930-499	REP	99-07-018	250- 79-030	NEW-P	99-15-084	251- 23-060	AMD	99-05-042
246-930-990	AMD-P	99-02-057	250- 79-030	NEW	99-19-147	251- 24-030	AMD-P	99-02-054
246-930-990	AMD	99-08-101	250- 80-010	NEW-E	99-20-076	251- 24-030	AMD	99-05-042
246-933-990	PREP-W	99-23-086	250- 80-010	NEW-P	00-01-181	251- 24-030	AMD-P	99-13-105
246-935	PREP-W	99-23-086	250- 80-020	NEW-E	99-20-076	251- 24-030	AMD	99-19-115
246-935-040	PREP	99-15-103	250- 80-020	NEW-P	00-01-181	251- 24-040	AMD-W	99-05-058
246-935-050	PREP	99-15-103	250- 80-030	NEW-E	99-20-076	260- 12-001	PREP	00-01-132
246-935-060	PREP	99-15-103	250- 80-030	NEW-P	00-01-181	260- 12-180	PREP	00-01-131
246-935-140	REP-XR	99-02-080	250- 80-040	NEW-E	99-20-076	260- 20-170	PREP	99-22-015
246-935-140	REP	99-14-076	250- 80-040	NEW-P	00-01-181	260- 24-560	AMD	99-05-048
246-939-990	NEW-P	99-21-070	250- 80-050	NEW-E	99-20-076	260- 24-560	PREP	99-22-075
246-939-990	NEW	99-24-097	250- 80-050	NEW-P	00-01-181	260- 24-650	PREP	00-01-131
248-554-001	PREP	99-17-058	250- 80-060	NEW-E	99-20-076	260- 28-200	PREP	99-22-035
248-554-005	PREP	99-17-058	250- 80-060	NEW-P	00-01-181	260- 28-230	PREP	99-22-018
248-554-010	PREP	99-17-058	250- 80-070	NEW-E	99-20-076	260- 28-230	AMD-P	00-01-136
248-554-015	PREP	99-17-058	250- 80-070	NEW-P	00-01-181	260- 28-235	PREP	99-22-035
248-554-018	PREP	99-17-058	250- 80-080	NEW-E	99-20-076	260- 28-260	PREP	99-22-035
248-554-020	PREP	99-17-058	250- 80-080	NEW-P	00-01-181	260- 28-280	PREP	99-22-035
248-554-030	PREP	99-17-058	250- 80-090	NEW-E	99-20-076	260- 34	PREP	99-22-016
250- 04-010	REP-XR	99-19-148	250- 80-090	NEW-P	00-01-181	260- 36	PREP	99-22-017
250- 04-010	REP	99-24-073	250- 80-100	NEW-E	99-20-076	260- 40-100	PREP	99-22-019
250- 04-020	REP-XR	99-19-148	250- 80-100	NEW-P	00-01-181	260- 44-070	PREP	99-22-062
250- 04-020	REP	99-24-073	251- 01-014	NEW-P	99-02-054	260- 44-070	AMD-P	00-01-135
250- 04-030	REP-XR	99-19-148	251- 01-014	NEW	99-05-042	260- 44-110	AMD-P	99-02-082
250- 04-030	REP	99-24-073	251- 01-015	AMD-P	99-02-054	260- 44-110	AMD	99-05-049
250- 04-040	REP-XR	99-19-148	251- 01-015	AMD	99-05-042	260- 44-120	AMD-P	99-02-082
250- 04-040	REP	99-24-073	251- 01-040	AMD-P	99-02-054	260- 44-120	AMD	99-05-049
250- 04-050	REP-XR	99-19-148	251- 01-040	AMD	99-05-042	260- 48-600	AMD-P	99-02-081
250- 04-050	REP	99-24-073	251- 01-190	AMD-P	99-02-054	260- 48-600	AMD	99-06-026
250- 04-060	REP-XR	99-19-148	251- 01-190	AMD	99-05-042	260- 48-600	PREP	99-22-020
250- 04-060	REP	99-24-073	251- 01-330	REP-P	99-02-054	260- 48-600	AMD-P	00-01-134
250- 04-070	REP-XR	99-19-148	251- 01-330	REP	99-05-042	260- 48-620	AMD-P	99-02-081
250- 04-070	REP	99-24-073	251- 01-345	AMD-P	99-16-101	260- 48-620	AMD	99-06-026
250- 04-080	REP-XR	99-19-148	251- 01-400	AMD-P	99-02-054	260- 48-620	PREP	99-22-020
250- 04-080	REP	99-24-073	251- 01-400	AMD	99-05-042	260- 48-620	AMD-P	00-01-134
250- 08-010	REP-XR	99-19-148	251- 01-420	REP-P	99-02-054	260- 48-700	NEW-P	99-02-081
250- 08-010	REP	99-24-073	251- 01-420	REP	99-05-042	260- 48-700	NEW	99-06-026
250- 08-020	REP-XR	99-19-148	251- 01-435	AMD-P	99-13-106	260- 48-710	NEW-P	99-02-081
250- 08-020	REP	99-24-073	251- 01-435	AMD	99-19-118	260- 48-710	NEW	99-06-026
250- 08-030	REP-XR	99-19-148	251- 01-440	AMD-P	99-02-054	260- 48-720	NEW-P	99-02-081
250- 08-030	REP	99-24-073	251- 01-440	AMD	99-05-042	260- 48-720	NEW	99-06-026
250- 08-040	REP-XR	99-19-148	251- 11-130	AMD-P	99-13-106	260- 48-910	NEW-P	99-02-081
250- 08-040	REP	99-24-073	251- 11-130	AMD	99-19-118	260- 48-910	NEW	99-06-026
250- 20-001	AMD-P	99-10-074	251- 17-090	AMD-P	99-02-054	260- 52-010	PREP	99-22-021

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260- 52-010	AMD-P	00-01-133	275- 27-026	DECOD	99-19-104	275- 31-020	DECOD	99-19-104
260- 52-020	PREP	00-01-131	275- 27-030	DECOD	99-19-104	275- 31-030	DECOD	99-19-104
260- 52-030	PREP	99-22-021	275- 27-040	DECOD	99-19-104	275- 31-040	DECOD	99-19-104
260- 52-030	AMD-P	00-01-133	275- 27-050	DECOD	99-19-104	275- 31-050	DECOD	99-19-104
260- 52-040	PREP	99-22-021	275- 27-060	DECOD	99-19-104	275- 31-070	DECOD	99-19-104
260- 52-040	AMD-P	00-01-133	275- 27-180	NEW	99-04-071	275- 31-080	DECOD	99-19-104
260- 52-060	PREP	99-22-021	275- 27-180	DECOD	99-19-104	275- 31-090	DECOD	99-19-104
260- 52-070	AMD	99-05-047	275- 27-185	NEW	99-04-071	275- 38-001	DECOD	99-19-104
260- 52-070	PREP	99-22-021	275- 27-185	DECOD	99-19-104	275- 38-003	DECOD	99-19-104
260- 52-080	PREP	99-22-021	275- 27-190	NEW	99-04-071	275- 38-005	DECOD	99-19-104
260- 70-640	PREP	99-22-022	275- 27-190	DECOD	99-19-104	275- 38-015	DECOD	99-19-104
260- 70-700	PREP	99-22-022	275- 27-191	NEW	99-04-071	275- 38-020	DECOD	99-19-104
260- 70-730	PREP	99-22-022	275- 27-191	DECOD	99-19-104	275- 38-025	DECOD	99-19-104
260- 72-020	PREP	99-22-023	275- 27-192	NEW	99-04-071	275- 38-030	DECOD	99-19-104
260- 75	PREP	99-03-014	275- 27-192	DECOD	99-19-104	275- 38-035	DECOD	99-19-104
260- 88	PREP	99-22-062	275- 27-193	NEW	99-04-071	275- 38-045	DECOD	99-19-104
260- 88-010	PREP	99-22-024	275- 27-193	DECOD	99-19-104	275- 38-050	DECOD	99-19-104
262- 01	PREP	99-20-067	275- 27-194	NEW	99-04-071	275- 38-055	DECOD	99-19-104
262- 01-140	NEW-P	99-24-041	275- 27-194	DECOD	99-19-104	275- 38-060	DECOD	99-19-104
275- 25-010	DECOD	99-19-104	275- 27-195	NEW	99-04-071	275- 38-065	DECOD	99-19-104
275- 25-015	DECOD	99-19-104	275- 27-195	DECOD	99-19-104	275- 38-075	DECOD	99-19-104
275- 25-020	DECOD	99-19-104	275- 27-196	NEW	99-04-071	275- 38-080	DECOD	99-19-104
275- 25-030	DECOD	99-19-104	275- 27-196	DECOD	99-19-104	275- 38-090	DECOD	99-19-104
275- 25-040	DECOD	99-19-104	275- 27-197	NEW	99-04-071	275- 38-510	DECOD	99-19-104
275- 25-520	DECOD	99-19-104	275- 27-197	DECOD	99-19-104	275- 38-515	DECOD	99-19-104
275- 25-527	DECOD	99-19-104	275- 27-198	NEW	99-04-071	275- 38-520	DECOD	99-19-104
275- 25-530	DECOD	99-19-104	275- 27-198	DECOD	99-19-104	275- 38-525	DECOD	99-19-104
275- 25-755	DECOD	99-19-104	275- 27-199	NEW	99-04-071	275- 38-530	DECOD	99-19-104
275- 25-800	REP-XR	99-22-010	275- 27-199	DECOD	99-19-104	275- 38-535	DECOD	99-19-104
275- 26-005	DECOD	99-19-104	275- 27-200	NEW	99-04-071	275- 38-540	DECOD	99-19-104
275- 26-010	DECOD	99-19-104	275- 27-200	DECOD	99-19-104	275- 38-545	DECOD	99-19-104
275- 26-019	DECOD	99-19-104	275- 27-202	NEW	99-04-071	275- 38-546	DECOD	99-19-104
275- 26-020	DECOD	99-19-104	275- 27-202	DECOD	99-19-104	275- 38-550	DECOD	99-19-104
275- 26-021	DECOD	99-19-104	275- 27-204	NEW	99-04-071	275- 38-555	DECOD	99-19-104
275- 26-022	DECOD	99-19-104	275- 27-204	DECOD	99-19-104	275- 38-560	DECOD	99-19-104
275- 26-025	DECOD	99-19-104	275- 27-211	NEW	99-04-071	275- 38-565	DECOD	99-19-104
275- 26-050	DECOD	99-19-104	275- 27-211	DECOD	99-19-104	275- 38-570	DECOD	99-19-104
275- 26-055	DECOD	99-19-104	275- 27-212	NEW	99-04-071	275- 38-585	DECOD	99-19-104
275- 26-060	DECOD	99-19-104	275- 27-212	DECOD	99-19-104	275- 38-586	DECOD	99-19-104
275- 26-065	DECOD	99-19-104	275- 27-213	NEW	99-04-071	275- 38-590	DECOD	99-19-104
275- 26-070	DECOD	99-19-104	275- 27-213	DECOD	99-19-104	275- 38-595	DECOD	99-19-104
275- 26-071	DECOD	99-19-104	275- 27-219	DECOD	99-19-104	275- 38-600	DECOD	99-19-104
275- 26-072	DECOD	99-19-104	275- 27-220	DECOD	99-19-104	275- 38-605	DECOD	99-19-104
275- 26-073	DECOD	99-19-104	275- 27-222	DECOD	99-19-104	275- 38-610	DECOD	99-19-104
275- 26-074	DECOD	99-19-104	275- 27-223	DECOD	99-19-104	275- 38-615	DECOD	99-19-104
275- 26-075	DECOD	99-19-104	275- 27-230	DECOD	99-19-104	275- 38-620	DECOD	99-19-104
275- 26-076	DECOD	99-19-104	275- 27-240	DECOD	99-19-104	275- 38-625	DECOD	99-19-104
275- 26-077	DECOD	99-19-104	275- 27-250	DECOD	99-19-104	275- 38-645	DECOD	99-19-104
275- 26-087	DECOD	99-19-104	275- 27-400	DECOD	99-19-104	275- 38-650	DECOD	99-19-104
275- 26-095	DECOD	99-19-104	275- 27-500	DECOD	99-19-104	275- 38-655	DECOD	99-19-104
275- 26-097	DECOD	99-19-104	275- 27-800	DECOD	99-19-104	275- 38-660	DECOD	99-19-104
275- 26-100	DECOD	99-19-104	275- 27-810	DECOD	99-19-104	275- 38-665	DECOD	99-19-104
275- 26-107	DECOD	99-19-104	275- 27-820	DECOD	99-19-104	275- 38-667	DECOD	99-19-104
275- 26-110	DECOD	99-19-104	275- 30-010	AMD	99-03-077	275- 38-670	DECOD	99-19-104
275- 26-115	DECOD	99-19-104	275- 30-030	AMD	99-03-077	275- 38-675	DECOD	99-19-104
275- 27	PREP	99-10-063	275- 30-040	AMD	99-03-077	275- 38-678	DECOD	99-19-104
275- 27-020	AMD	99-04-071	275- 30-050	REP	99-03-077	275- 38-680	DECOD	99-19-104
275- 27-020	AMD-P	99-15-043	275- 30-060	AMD	99-03-077	275- 38-685	DECOD	99-19-104
275- 27-020	DECOD-P	99-15-043	275- 30-070	AMD	99-03-077	275- 38-690	DECOD	99-19-104
275- 27-020	AMD	99-23-021	275- 30-080	REP	99-03-077	275- 38-695	DECOD	99-19-104
275- 27-020	DECOD	99-23-021	275- 31-005	DECOD	99-19-104	275- 38-700	DECOD	99-19-104
275- 27-023	DECOD	99-19-104	275- 31-010	DECOD	99-19-104	275- 38-705	DECOD	99-19-104

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275- 38-706	DECOD	99-19-104	275- 59	PREP	99-14-065	284- 43-340	REP-P	99-12-106
275- 38-715	DECOD	99-19-104	275-155-005	DECOD	99-21-001	284- 43-340	REP-W	00-01-079
275- 38-720	DECOD	99-19-104	275-155-010	DECOD	99-21-001	284- 43-350	NEW-P	99-12-106
275- 38-725	DECOD	99-19-104	275-155-020	DECOD	99-21-001	284- 43-360	NEW-P	99-12-106
275- 38-745	DECOD	99-19-104	275-155-030	DECOD	99-21-001	284- 43-370	NEW-P	99-12-106
275- 38-750	DECOD	99-19-104	275-155-040	DECOD	99-21-001	284- 43-399	NEW-P	99-12-106
275- 38-760	DECOD	99-19-104	275-155-050	DECOD	99-21-001	284- 43-610	NEW-P	99-19-173
275- 38-765	DECOD	99-19-104	275-155-060	DECOD	99-21-001	284- 43-610	NEW	99-24-075
275- 38-770	DECOD	99-19-104	275-155-070	DECOD	99-21-001	284- 43-620	NEW-P	99-19-173
275- 38-775	DECOD	99-19-104	275-155-080	DECOD	99-21-001	284- 43-620	NEW	99-24-075
275- 38-780	DECOD	99-19-104	275-155-090	DECOD	99-21-001	284- 43-710	AMD-P	99-24-132
275- 38-785	DECOD	99-19-104	275-155-100	DECOD	99-21-001	284- 43-720	AMD-P	99-24-132
275- 38-790	DECOD	99-19-104	275-155-110	DECOD	99-21-001	284- 43-810	NEW-P	99-03-006
275- 38-795	DECOD	99-19-104	275-155-120	DECOD	99-21-001	284- 43-810	NEW-P	99-03-007
275- 38-800	DECOD	99-19-104	275-155-130	DECOD	99-21-001	284- 43-810	NEW-W	99-16-073
275- 38-805	DECOD	99-19-104	275-155-140	DECOD	99-21-001	284- 43-810	NEW-P	99-16-106
275- 38-810	DECOD	99-19-104	275-156-005	DECOD	99-21-002	284- 43-810	NEW	99-19-032
275- 38-812	DECOD	99-19-104	275-156-010	DECOD	99-21-002	284- 44-043	AMD-P	99-19-173
275- 38-813	DECOD	99-19-104	275-156-015	DECOD	99-21-002	284- 44-043	AMD	99-24-075
275- 38-815	DECOD	99-19-104	275-156-020	DECOD	99-21-002	284- 46-507	AMD-P	99-19-173
275- 38-820	DECOD	99-19-104	275-156-025	DECOD	99-21-002	284- 46-507	AMD	99-24-075
275- 38-831	DECOD	99-19-104	275-156-030	DECOD	99-21-002	284- 50-377	AMD-P	99-19-173
275- 38-835	DECOD	99-19-104	275-156-035	DECOD	99-21-002	284- 50-377	AMD	99-24-075
275- 38-840	DECOD	99-19-104	275-156-040	DECOD	99-21-002	284- 53-005	NEW-P	99-11-103
275- 38-845	DECOD	99-19-104	284- 07-050	AMD-XA	99-11-101	284- 53-005	NEW	99-16-005
275- 38-846	DECOD	99-19-104	284- 07-050	AMD	99-16-035	284- 53-010	AMD-P	99-11-103
275- 38-850	DECOD	99-19-104	284- 23-300	PREP	99-13-199	284- 53-010	AMD	99-16-005
275- 38-860	DECOD	99-19-104	284- 23-310	PREP	99-13-199	284- 91-060	NEW-P	99-14-085
275- 38-863	DECOD	99-19-104	284- 23-320	PREP	99-13-199	284- 91-060	NEW	99-18-039
275- 38-865	DECOD	99-19-104	284- 23-330	PREP	99-13-199	284- 96-015	AMD-P	99-19-173
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275- 38-885	DECOD	99-19-104	284- 24-120	NEW	99-23-068	292-100-005	NEW	99-06-073
275- 38-886	DECOD	99-19-104	284- 43	AMD-C	99-03-037	292-100-006	NEW	99-06-073
275- 38-887	DECOD	99-19-104	284- 43	AMD-C	99-03-038	292-100-007	NEW	99-06-073
275- 38-888	DECOD	99-19-104	284- 43	PREP	99-13-198	292-100-010	AMD	99-06-073
275- 38-889	DECOD	99-19-104	284- 43-120	AMD-P	99-24-132	292-100-020	AMD	99-06-073
275- 38-890	DECOD	99-19-104	284- 43-125	NEW-P	99-24-132	292-100-030	AMD	99-06-073
275- 38-892	DECOD	99-19-104	284- 43-130	AMD-P	99-03-006	292-100-040	AMD	99-06-073
275- 38-895	DECOD	99-19-104	284- 43-130	AMD-P	99-03-007	292-100-050	AMD	99-06-073
275- 38-900	DECOD	99-19-104	284- 43-130	AMD-W	99-16-073	292-100-060	AMD	99-06-073
275- 38-903	DECOD	99-19-104	284- 43-130	AMD-P	99-16-106	292-100-070	AMD	99-06-073
275- 38-906	DECOD	99-19-104	284- 43-130	AMD	99-19-032	292-100-080	AMD	99-06-073
275- 38-910	DECOD	99-19-104	284- 43-130	AMD-P	99-24-132	292-100-090	AMD	99-06-073
275- 38-915	DECOD	99-19-104	284- 43-200	AMD-P	99-24-132	292-100-100	AMD	99-06-073
275- 38-920	DECOD	99-19-104	284- 43-205	NEW-P	99-11-102	292-100-105	NEW	99-06-073
275- 38-925	DECOD	99-19-104	284- 43-205	NEW-C	99-13-045	292-100-110	AMD	99-06-073
275- 38-930	DECOD	99-19-104	284- 43-205	NEW	99-16-036	292-100-120	AMD	99-06-073
275- 38-935	DECOD	99-19-104	284- 43-210	AMD-P	99-24-132	292-100-130	AMD	99-06-073
275- 38-940	DECOD	99-19-104	284- 43-220	AMD-P	99-24-132	292-100-140	AMD	99-06-073
275- 38-945	DECOD	99-19-104	284- 43-250	AMD-P	99-24-132	292-100-150	AMD	99-06-073
275- 38-950	DECOD	99-19-104	284- 43-320	AMD-P	99-12-106	292-100-160	AMD	99-06-073
275- 38-955	DECOD	99-19-104	284- 43-320	AMD	99-21-016	292-100-170	AMD	99-06-073
275- 38-960	DECOD	99-19-104	284- 43-321	NEW	99-21-016	292-100-180	AMD	99-06-073
275- 41-005	DECOD	99-19-104	284- 43-322	NEW	99-21-016	292-100-190	AMD	99-06-073
275- 41-010	DECOD	99-19-104	284- 43-324	NEW	99-21-016	292-100-200	AMD	99-06-073
275- 41-015	DECOD	99-19-104	284- 43-330	AMD-P	99-12-106	292-100-210	NEW	99-06-073
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296-15-010	REP-P	99-18-067	296-15-170	REP-P	99-18-067	296-17-53805	AMD-P	99-12-115
296-15-010	REP	99-23-107	296-15-170	REP	99-23-107	296-17-53805	AMD	99-18-068
296-15-020	REP-P	99-18-067	296-15-171	NEW-P	99-18-067	296-17-539	AMD-P	99-12-115
296-15-020	REP	99-23-107	296-15-171	NEW	99-23-107	296-17-539	AMD	99-18-068
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296-15-021	NEW	99-23-107	296-15-181	NEW	99-23-107	296-17-544	AMD	99-18-068
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296-15-022	REP	99-23-107	296-15-210	REP	99-23-107	296-17-545	AMD	99-18-068
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296-15-023	REP	99-23-107	296-15-215	REP	99-23-107	296-17-552	AMD	99-18-068
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296-15-025	REP	99-23-107	296-15-220	REP	99-23-107	296-17-564	AMD	99-18-068
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296-15-02601	REP-P	99-18-067	296-17	PREP	99-05-051	296-17-57603	AMD	99-18-068
296-15-02601	REP	99-23-107	296-17	PREP	99-07-099	296-17-580	AMD-P	99-12-115
296-15-02602	REP-P	99-18-067	296-17	PREP	99-07-100	296-17-580	AMD	99-18-068
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296-15-02603	REP	99-23-107	296-17-31007	AMD	99-18-068	296-17-583	AMD-P	99-12-115
296-15-02604	REP-P	99-18-067	296-17-31007	AMD-P	99-19-162	296-17-583	AMD	99-18-068
296-15-02604	REP	99-23-107	296-17-31007	AMD	99-24-055	296-17-58502	AMD-P	99-12-115
296-15-02605	REP-P	99-18-067	296-17-31012	AMD-P	99-12-115	296-17-58502	AMD	99-18-068
296-15-02605	REP	99-23-107	296-17-31012	AMD	99-18-068	296-17-58505	REP-P	99-12-115
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296-15-031	NEW	99-23-107	296-17-31018	AMD	99-24-055	296-17-647	AMD-P	99-12-115
296-15-041	NEW-P	99-18-067	296-17-31021	AMD-P	99-12-115	296-17-647	AMD	99-18-068
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296-17-709	AMD	99-18-068	296-17-90466	NEW-P	99-22-110	296-20-02703	NEW	00-01-037
296-17-710	AMD-P	99-12-115	296-17-90469	NEW-P	99-22-110	296-20-02704	NEW-P	99-13-202
296-17-710	AMD	99-18-068	296-17-90472	NEW-P	99-22-110	296-20-02704	NEW	00-01-037
296-17-711	AMD-P	99-12-115	296-17-90475	NEW-P	99-22-110	296-20-02705	NEW-P	99-13-202
296-17-711	AMD	99-18-068	296-17-90478	NEW-P	99-22-110	296-20-02705	NEW	00-01-037
296-17-712	AMD-P	99-12-115	296-17-90481	NEW-P	99-22-110	296-20-02850	NEW-P	99-13-202
296-17-712	AMD	99-18-068	296-17-90484	NEW-P	99-22-110	296-20-02850	NEW	00-01-037
296-17-713	AMD-P	99-12-115	296-17-90490	NEW-P	99-22-110	296-20-030	AMD-P	99-19-164
296-17-713	AMD	99-18-068	296-17-90491	NEW-P	99-22-110	296-20-030	AMD	00-01-040
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296-17-717	AMD	99-18-068	296-17-90493	NEW-P	99-22-110	296-20-03003	REP	00-01-040
296-17-719	AMD-P	99-12-115	296-17-90494	NEW-P	99-22-110	296-20-03010	NEW-P	99-19-164
296-17-719	AMD	99-18-068	296-17-90495	NEW-P	99-22-110	296-20-03010	NEW	00-01-040
296-17-72202	AMD-P	99-12-115	296-17-90496	NEW-P	99-22-110	296-20-03010	NEW-P	99-19-164
296-17-72202	AMD	99-18-068	296-17-90497	NEW-P	99-22-110	296-20-03011	NEW	00-01-040
296-17-75306	NEW-P	99-19-162	296-17-91201	REP-P	99-22-110	296-20-03011	NEW-P	99-19-164
296-17-75306	NEW	99-24-055	296-17-91202	REP-P	99-22-110	296-20-03012	NEW-P	99-19-164
296-17-764	AMD-P	99-12-115	296-17-91202	REP-P	99-22-110	296-20-03012	NEW	00-01-040
296-17-764	AMD	99-18-068	296-17-91203	REP-P	99-22-110	296-20-03013	NEW-P	99-19-164
296-17-855	AMD-P	99-19-162	296-17-91204	REP-P	99-22-110	296-20-03013	NEW	00-01-040
296-17-855	AMD	99-24-055	296-17-91205	REP-P	99-22-110	296-20-03014	NEW-P	99-19-164
296-17-87304	AMD-P	99-12-115	296-17-91206	REP-P	99-22-110	296-20-03014	NEW	00-01-040
296-17-87304	AMD	99-18-068	296-17-91207	REP-P	99-22-110	296-20-03015	NEW-P	99-19-164
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296-17-875	AMD	99-24-055	296-17-91209	REP-P	99-22-110	296-20-03016	NEW-P	99-19-164
296-17-880	AMD-P	99-19-162	296-17-91210	REP-P	99-22-110	296-20-03016	NEW	00-01-040
296-17-880	AMD	99-24-055	296-17-91211	REP-P	99-22-110	296-20-03016	NEW-P	99-19-164
296-17-885	AMD-P	99-19-162	296-17-91212	REP-P	99-22-110	296-20-03017	NEW-P	99-19-164
296-17-885	AMD	99-24-055	296-17-91212	REP-P	99-22-110	296-20-03017	NEW	00-01-040
296-17-890	AMD-P	99-19-162	296-17-91213	REP-P	99-22-110	296-20-03018	NEW-P	99-19-164
296-17-890	AMD	99-24-055	296-17-91214	REP-P	99-22-110	296-20-03018	NEW	00-01-040
296-17-895	AMD-P	99-19-162	296-17-91215	REP-P	99-22-110	296-20-03019	NEW-P	99-19-164
296-17-895	AMD	99-24-055	296-17-91216	REP-P	99-22-110	296-20-03019	NEW	00-01-040
296-17-89502	AMD-P	99-19-162	296-17-91219	REP-P	99-22-110	296-20-03019	NEW-P	99-19-164
296-17-89502	AMD	99-24-055	296-17-91220	REP-P	99-22-110	296-20-03020	NEW-P	99-19-164
296-17-900	AMD-E	99-04-106	296-17-91221	REP-P	99-22-110	296-20-03020	NEW	00-01-040
296-17-900	AMD-P	99-12-115	296-17-91222	REP-P	99-22-110	296-20-03021	NEW-P	99-19-164
296-17-900	AMD	99-18-068	296-17-91223	REP-P	99-22-110	296-20-03021	NEW	00-01-040
296-17-90120	AMD-P	99-12-115	296-17-91224	REP-P	99-22-110	296-20-03022	NEW-P	99-19-164
296-17-90120	AMD	99-18-068	296-17-91225	REP-P	99-22-110	296-20-03022	NEW	00-01-040
296-17-90401	NEW-P	99-22-110	296-17-91250	REP-P	99-22-110	296-20-03023	NEW-P	99-19-164
296-17-90402	NEW-P	99-22-110	296-17-914	REP-P	99-22-110	296-20-03023	NEW	00-01-040
296-17-90403	NEW-P	99-22-110	296-17-91402	REP-P	99-22-110	296-20-03024	NEW-P	99-19-164
296-17-90406	NEW-P	99-22-110	296-17-91403	REP-P	99-22-110	296-20-03024	NEW	00-01-040
296-17-90408	NEW-P	99-22-110	296-17-91404	REP-P	99-22-110	296-20-06101	AMD-XA	99-20-139
296-17-90409	NEW-P	99-22-110	296-17-91405	REP-P	99-22-110	296-20-06101	AMD	00-01-190
296-17-90412	NEW-P	99-22-110	296-17-91406	REP-P	99-22-110	296-20-135	AMD-P	99-05-079
296-17-90415	NEW-P	99-22-110	296-17-919	REP-P	99-22-110	296-20-135	AMD	99-10-043
296-17-90418	NEW-P	99-22-110	296-17-920	AMD-P	99-19-162	296-20-135	PREP	00-01-189
296-17-90421	NEW-P	99-22-110	296-17-920	AMD	99-24-055	296-20-220	PREP	00-01-189
296-17-90424	NEW-P	99-22-110	296-20	PREP	99-12-114	296-20-230	PREP	00-01-189
296-17-90427	NEW-P	99-22-110	296-20	PREP	99-13-204	296-21	PREP	00-01-191
296-17-90430	NEW-P	99-22-110	296-20	AMD-C	99-22-057	296-23	PREP	99-12-114
296-17-90433	NEW-P	99-22-110	296-20	PREP	00-01-191	296-23	PREP	00-01-191
296-17-90434	NEW-P	99-22-110	296-20-01002	PREP	99-16-111	296-23-220	AMD-P	99-05-079
296-17-90436	NEW-P	99-22-110	296-20-01002	AMD-P	99-19-163	296-23-220	AMD	99-10-043
296-17-90439	NEW-P	99-22-110	296-20-01002	AMD	00-01-039	296-23-230	AMD-P	99-05-079
296-17-90442	NEW-P	99-22-110	296-20-02700	NEW-P	99-13-202	296-23-230	AMD	99-10-043
296-17-90445	NEW-P	99-22-110	296-20-02700	NEW	00-01-037	296-23A	PREP	99-12-114
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296-24	PREP	99-04-057	296-24-23011	AMD	00-01-176	296-24-82511	REP-P	00-01-175
296-24	PREP	99-08-070	296-24-23013	AMD-P	99-16-084	296-24-82513	REP-P	00-01-175
296-24	PREP	99-12-037	296-24-23013	AMD	00-01-176	296-24-82515	REP-P	00-01-175
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296-24-040	AMD	99-17-093	296-24-23015	AMD	00-01-176	296-24-82519	REP-P	00-01-175
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296-24-14519	AMD-P	00-01-175	296-24-23019	AMD	00-01-176	296-24-82527	REP-P	00-01-175
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296-24-20509	AMD-XA	99-13-165	296-24-23033	AMD	00-01-176	296-24-84011	REP-P	00-01-175
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296-54-51170	NEW-P	99-08-072	296-54-547	AMD	99-17-117	296-54-57345	NEW	99-17-117
296-54-51170	NEW	99-17-117	296-54-54710	NEW-P	99-08-072	296-54-57350	NEW-P	99-08-072
296-54-51180	NEW-P	99-08-072	296-54-54710	NEW	99-17-117	296-54-57350	NEW	99-17-117
296-54-51180	NEW	99-17-117	296-54-54720	NEW-P	99-08-072	296-54-57355	NEW-P	99-08-072
296-54-51190	NEW-P	99-08-072	296-54-54720	NEW	99-17-117	296-54-57355	NEW	99-17-117
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296-54-513	AMD-P	99-08-072	296-54-54730	NEW	99-17-117	296-54-575	AMD	99-17-117
296-54-513	AMD	99-17-117	296-54-54740	NEW-P	99-08-072	296-54-577	AMD-P	99-08-072
296-54-515	AMD-P	99-08-072	296-54-54740	NEW	99-17-117	296-54-577	AMD	99-17-117
296-54-515	AMD	99-17-117	296-54-54750	NEW-P	99-08-072	296-54-579	AMD-P	99-08-072
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296-54-51510	NEW	99-17-117	296-54-54760	NEW-P	99-08-072	296-54-581	AMD-P	99-08-072
296-54-51520	NEW-P	99-08-072	296-54-54760	NEW	99-17-117	296-54-581	AMD	99-17-117
296-54-51520	NEW	99-17-117	296-54-54770	RECOD	99-17-117	296-54-58110	NEW-P	99-08-072
296-54-51530	NEW-P	99-08-072	296-54-549	AMD-P	99-08-072	296-54-58110	NEW	99-17-117
296-54-51530	NEW	99-17-117	296-54-549	AMD	99-17-117	296-54-58120	NEW-P	99-08-072
296-54-517	AMD-P	99-08-072	296-54-551	AMD-P	99-08-072	296-54-58120	NEW	99-17-117
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296-54-587	AMD	99-17-117	296-54-70130	NEW	99-17-117	296-62-07113	AMD	99-10-071
296-54-589	AMD-P	99-08-072	296-54-703	NEW-P	99-08-072	296-62-07115	AMD	99-10-071
296-54-589	AMD	99-17-117	296-54-705	NEW-P	99-08-072	296-62-07117	AMD	99-10-071
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296-54-59330	NEW	99-17-117	296-56	PREP	99-12-037	296-62-07178	NEW	99-10-071
296-54-59340	NEW-P	99-08-072	296-56-60053	AMD	99-10-071	296-62-07179	NEW	99-10-071
296-54-59340	NEW	99-17-117	296-56-60077	AMD-P	99-16-084	296-62-07182	NEW	99-10-071
296-54-595	AMD-P	99-08-072	296-56-60077	AMD	00-01-176	296-62-07184	NEW	99-10-071
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296-54-59510	NEW	99-17-117	296-59	PREP	99-06-040	296-62-07190	NEW	99-10-071
296-54-59520	NEW-P	99-08-072	296-59-035	AMD-P	99-15-086	296-62-07192	NEW	99-10-071
296-54-59520	NEW	99-17-117	296-59-035	AMD	00-01-038	296-62-07194	NEW	99-10-071
296-54-597	AMD-P	99-08-072	296-59-040	REP-P	99-15-086	296-62-07201	NEW	99-10-071
296-54-597	AMD	99-17-117	296-59-040	REP	00-01-038	296-62-07202	NEW	99-10-071
296-54-59710	NEW-P	99-08-072	296-62	PREP	99-02-083	296-62-07203	NEW	99-10-071
296-54-59710	NEW	99-17-117	296-62	PREP	99-04-057	296-62-07205	NEW	99-10-071
296-54-59720	NEW-P	99-08-072	296-62-051	NEW-P	99-07-014	296-62-07206	NEW	99-10-071
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296-62-07236	NEW	99-10-071	296-62-07540	AMD	99-10-071	296-62-14140	NEW-P	99-13-144
296-62-07238	NEW	99-10-071	296-62-07542	AMD-XA	99-12-089	296-62-14140	NEW	99-22-046
296-62-07239	NEW	99-10-071	296-62-07542	AMD	99-17-094	296-62-14145	NEW-P	99-13-144
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296-62-07243	NEW	99-10-071	296-62-07635	REP	99-10-071	296-62-14150	NEW	99-22-046
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296-62-07248	NEW	99-10-071	296-62-07666	REP	99-10-071	296-62-14170	NEW	99-22-046
296-62-07251	NEW	99-10-071	296-62-07668	REP	99-10-071	296-62-14171	NEW-P	99-13-144
296-62-07253	NEW	99-10-071	296-62-07670	REP	99-10-071	296-62-14171	NEW	99-22-046
296-62-07255	NEW	99-10-071	296-62-07672	REP	99-10-071	296-62-14172	NEW-P	99-13-144
296-62-07257	NEW	99-10-071	296-62-07701	AMD-P	99-08-071	296-62-14172	NEW	99-22-046
296-62-07260	NEW	99-10-071	296-62-07701	AMD	99-17-026	296-62-14173	NEW-P	99-13-144
296-62-07261	NEW	99-10-071	296-62-07703	AMD-P	99-08-071	296-62-14173	NEW	99-22-046
296-62-07263	NEW	99-10-071	296-62-07703	AMD	99-17-026	296-62-14174	NEW-P	99-13-144
296-62-07265	NEW	99-10-071	296-62-07709	AMD-P	99-08-071	296-62-14174	NEW	99-22-046
296-62-07267	NEW	99-10-071	296-62-07709	AMD	99-17-026	296-62-14175	NEW-P	99-13-144
296-62-07269	NEW	99-10-071	296-62-07709	AMD-XA	00-01-139	296-62-14175	NEW	99-22-046
296-62-07271	NEW	99-10-071	296-62-07712	AMD-P	99-08-071	296-62-14176	NEW-P	99-13-144
296-62-07273	NEW	99-10-071	296-62-07712	AMD	99-17-026	296-62-14176	NEW	99-22-046
296-62-07275	NEW	99-10-071	296-62-07713	AMD-P	99-08-071	296-62-145	REP	99-22-046
296-62-07277	NEW	99-10-071	296-62-07713	AMD	99-17-026	296-62-14500	REP-P	99-13-144
296-62-07279	NEW	99-10-071	296-62-07713	AMD-XA	00-01-139	296-62-14500	REP	99-22-046
296-62-07281	NEW	99-10-071	296-62-07715	AMD	99-10-071	296-62-14501	REP-P	99-13-144
296-62-07283	NEW	99-10-071	296-62-07721	AMD-P	99-08-071	296-62-14501	REP	99-22-046
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296-62-07287	NEW	99-10-071	296-62-07722	AMD-P	99-08-071	296-62-14503	REP	99-22-046
296-62-07289	NEW	99-10-071	296-62-07722	AMD	99-10-071	296-62-14505	REP-P	99-13-144
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296-62-07295	NEW	99-10-071	296-62-07727	AMD-XA	00-01-139	296-62-14507	REP	99-22-046
296-62-07306	AMD	99-10-071	296-62-07728	AMD-P	99-08-071	296-62-14509	REP-P	99-13-144
296-62-07308	AMD	99-10-071	296-62-07728	AMD	99-17-026	296-62-14509	REP	99-22-046
296-62-07329	AMD	99-10-071	296-62-07733	AMD	99-10-071	296-62-14511	REP-P	99-13-144
296-62-07336	AMD	99-10-071	296-62-07735	AMD-P	99-08-071	296-62-14511	REP	99-22-046
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296-62-07347	AMD	99-17-094	296-62-11019	AMD	99-10-071	296-62-14517	REP	99-22-046
296-62-07354	AMD-XA	99-12-089	296-62-11021	AMD	99-10-071	296-62-14519	REP-P	99-13-144
296-62-07354	AMD	99-17-094	296-62-130	AMD	99-07-063	296-62-14519	REP	99-22-046
296-62-07367	AMD	99-10-071	296-62-141	NEW	99-22-046	296-62-14520	REP-P	99-13-144
296-62-07369	AMD	99-10-071	296-62-14100	NEW-P	99-13-144	296-62-14520	REP	99-22-046
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296-62-07431	REP	99-10-071	296-62-14110	NEW	99-22-046	296-62-14525	REP-P	99-13-144
296-62-07433	AMD-XA	99-12-089	296-62-14115	NEW-P	99-13-144	296-62-14525	REP	99-22-046
296-62-07433	AMD	99-17-094	296-62-14115	NEW	99-22-046	296-62-14527	REP-P	99-13-144
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296-62-20027	AMD	99-10-071	296-62-30905	NEW	99-07-097	296-62-41030	NEW	99-07-097
296-62-20027	AMD-XA	99-12-089	296-62-30910	NEW	99-07-097	296-62-41031	NEW	99-07-097
296-62-20027	AMD	99-17-094	296-62-30915	NEW	99-07-097	296-62-41033	NEW	99-07-097
296-62-20029	AMD-XA	99-12-089	296-62-30920	NEW	99-07-097	296-62-41035	NEW	99-07-097
296-62-20029	AMD	99-17-094	296-62-30925	NEW	99-07-097	296-62-41040	NEW	99-07-097
296-62-300	AMD	99-07-097	296-62-30930	NEW	99-07-097	296-62-41041	NEW	99-07-097
296-62-30001	NEW	99-07-097	296-62-30935	NEW	99-07-097	296-62-41042	NEW	99-07-097
296-62-30003	NEW	99-07-097	296-62-30940	NEW	99-07-097	296-62-41043	NEW	99-07-097
296-62-3010	AMD	99-07-097	296-62-3100	AMD	99-07-097	296-62-41044	NEW	99-07-097
296-62-30105	NEW	99-07-097	296-62-31005	NEW	99-07-097	296-62-41045	NEW	99-07-097
296-62-30110	NEW	99-07-097	296-62-31010	NEW	99-07-097	296-62-41046	NEW	99-07-097
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296-62-30140	NEW	99-07-097	296-62-3112	REP	99-07-097	296-62-41081	NEW	99-07-097
296-62-30145	NEW	99-07-097	296-62-3120	AMD	99-07-097	296-62-41082	NEW	99-07-097
296-62-3020	AMD	99-07-097	296-62-3130	AMD	99-07-097	296-62-41084	NEW	99-07-097
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296-62-30210	NEW	99-07-097	296-62-31310	NEW	99-07-097	296-62-41086	NEW	99-07-097
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296-62-30415	NEW	99-07-097	296-62-31430	NEW	99-07-097	296-65-025	AMD	99-17-026
296-62-30420	NEW	99-07-097	296-62-31435	NEW	99-07-097	296-65-030	AMD-P	99-08-071
296-62-30425	NEW	99-07-097	296-62-31440	NEW	99-07-097	296-65-030	AMD	99-17-026
296-62-30430	NEW	99-07-097	296-62-31445	NEW	99-07-097	296-67	PREP	99-02-083
296-62-30435	NEW	99-07-097	296-62-31450	NEW	99-07-097	296-78	PREP	99-02-083
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296-62-30455	NEW	99-07-097	296-62-31470	NEW	99-07-097	296-78-540	AMD	00-01-038
296-62-30460	NEW	99-07-097	296-62-3152	AMD	99-07-097	296-78-545	AMD-P	99-15-086
296-62-30465	NEW	99-07-097	296-62-3160	AMD	99-07-097	296-78-545	AMD	00-01-038
296-62-3050	AMD	99-07-097	296-62-3180	AMD	99-07-097	296-78-550	AMD-P	99-15-086
296-62-30505	NEW	99-07-097	296-62-3190	AMD	99-07-097	296-78-550	AMD	00-01-038
296-62-30510	NEW	99-07-097	296-62-3195	AMD	99-07-097	296-78-555	REP-P	99-15-086
296-62-30515	NEW	99-07-097	296-62-410	NEW	99-07-097	296-78-555	REP	00-01-038
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296-62-30525	NEW	99-07-097	296-62-41003	NEW	99-07-097	296-78-71019	AMD	99-10-071
296-62-30530	NEW	99-07-097	296-62-41010	NEW	99-07-097	296-79	PREP	99-02-083
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296-79-180	AMD	99-16-083	296-79-29021	AMD	99-16-083	296-104-001	AMD	99-22-026
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296-79-190	AMD	99-16-083	296-79-29023	AMD	99-16-083	296-104-002	REP-P	99-17-028
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296-79-220	AMD	99-16-083	296-79-29029	AMD	99-16-083	296-104-015	AMD-P	99-17-028
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296-79-240	AMD	99-16-083	296-79-29033	AMD	99-16-083	296-104-018	AMD-P	99-17-028
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296-79-255	REP	99-16-083	296-79-29037	AMD	99-16-083	296-104-020	AMD	99-22-026
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296-79-260	AMD	99-16-083	296-79-300	AMD	99-16-083	296-104-025	AMD-P	99-17-028
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296-79-27001	REP	99-16-083	296-79-31001	AMD	99-16-083	296-104-030	AMD	99-22-026
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296-79-27003	AMD	99-16-083	296-79-31003	AMD	99-16-083	296-104-035	AMD-P	99-17-028
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296-79-27005	AMD	99-16-083	296-79-31005	REP	99-16-083	296-104-040	PREP	99-05-021
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296-79-27007	AMD	99-16-083	296-79-31007	REP	99-16-083	296-104-040	AMD	99-22-026
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296-104-060	PREP	99-05-021	296-104-700	AMD-P	99-04-036	296-150C-1710	REP	00-01-188
296-104-060	AMD-P	99-17-028	296-104-700	AMD	99-08-049	296-150C-1720	REP-XR	99-16-113
296-104-060	AMD	99-22-026	296-115	PREP	99-02-083	296-150C-1720	REP	00-01-188
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296-104-065	AMD-P	99-17-028	296-125-019	REP	99-15-071	296-150C-1730	REP	00-01-188
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296-104-102	AMD-P	99-17-028	296-150C-0020	AMD	00-01-187	296-150C-1751	REP	00-01-188
296-104-102	AMD	99-22-026	296-150C-0140	NEW-P	99-08-129	296-150C-1752	REP-XR	99-16-113
296-104-105	PREP	99-05-021	296-150C-0140	NEW	99-13-010	296-150C-1752	REP	00-01-188
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296-104-110	AMD	99-22-026	296-150C-0500	AMD	00-01-187	296-150C-1756	REP	00-01-188
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296-104-115	AMD-P	99-17-028	296-150C-0805	NEW	99-13-010	296-150C-1757	REP	00-01-188
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296-104-125	AMD	99-22-026	296-150C-0960	AMD	99-13-010	296-150C-1759	REP	00-01-188
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296-150F-0620	NEW	99-13-010	296-150T-0080	NEW-P	99-08-130	296-150T-3000	NEW-P	99-08-130
296-150F-0625	NEW-P	99-08-129	296-150T-0080	NEW	99-12-079	296-150T-3000	NEW	99-12-079
296-150F-0625	NEW	99-13-010	296-150T-0100	NEW-P	99-08-130	296-150V-0010	NEW-P	99-13-200
296-150F-3000	AMD-P	99-08-128	296-150T-0100	NEW	99-12-079	296-150V-0010	NEW	99-18-069
296-150F-3000	AMD	99-12-080	296-150T-0110	NEW-P	99-08-130	296-150V-0020	NEW-P	99-13-200
296-150M	PREP	99-05-078	296-150T-0110	NEW	99-12-079	296-150V-0020	NEW	99-18-069
296-150M-0020	AMD-P	99-08-129	296-150T-0120	NEW-P	99-08-130	296-150V-0030	NEW-P	99-13-200
296-150M-0020	AMD	99-13-010	296-150T-0120	NEW	99-12-079	296-150V-0030	NEW	99-18-069
296-150M-0120	NEW-P	99-08-129	296-150T-0130	NEW-P	99-08-130	296-150V-0040	NEW-P	99-13-200
296-150M-0120	NEW	99-13-010	296-150T-0130	NEW	99-12-079	296-150V-0040	NEW	99-18-069
296-150M-0140	NEW-P	99-08-129	296-150T-0140	NEW-P	99-08-130	296-150V-0050	NEW-P	99-13-200
296-150M-0140	NEW	99-13-010	296-150T-0140	NEW	99-12-079	296-150V-0050	NEW	99-18-069
296-150M-0306	AMD-P	99-08-129	296-150T-0200	NEW-P	99-08-130	296-150V-0060	NEW-P	99-13-200
296-150M-0306	AMD	99-13-010	296-150T-0200	NEW	99-12-079	296-150V-0060	NEW	99-18-069
296-150M-0309	NEW-P	99-08-129	296-150T-0210	NEW-P	99-08-130	296-150V-0070	NEW-P	99-13-200
296-150M-0309	NEW	99-13-010	296-150T-0210	NEW	99-12-079	296-150V-0070	NEW	99-18-069
296-150M-0400	REP-P	99-08-129	296-150T-0220	NEW-P	99-08-130	296-150V-0080	NEW-P	99-13-200
296-150M-0400	REP	99-13-010	296-150T-0220	NEW	99-12-079	296-150V-0080	NEW	99-18-069
296-150M-0600	AMD-P	99-08-129	296-150T-0230	NEW-P	99-08-130	296-150V-0100	NEW-P	99-13-200
296-150M-0600	AMD	99-13-010	296-150T-0230	NEW	99-12-079	296-150V-0100	NEW	99-18-069
296-150M-0610	AMD-P	99-08-129	296-150T-0250	NEW-P	99-08-130	296-150V-0110	NEW-P	99-13-200
296-150M-0610	AMD	99-13-010	296-150T-0250	NEW	99-12-079	296-150V-0110	NEW	99-18-069
296-150M-0614	NEW-P	99-08-129	296-150T-0300	NEW-P	99-08-130	296-150V-0120	NEW-P	99-13-200
296-150M-0614	NEW	99-13-010	296-150T-0300	NEW	99-12-079	296-150V-0120	NEW	99-18-069
296-150M-0615	NEW-P	99-08-129	296-150T-0320	NEW-P	99-08-130	296-150V-0140	NEW-P	99-13-200
296-150M-0615	NEW	99-13-010	296-150T-0320	NEW	99-12-079	296-150V-0140	NEW	99-18-069
296-150M-0640	AMD-P	99-08-129	296-150T-0340	NEW-P	99-08-130	296-150V-0200	NEW-P	99-13-200
296-150M-0640	AMD	99-13-010	296-150T-0340	NEW	99-12-079	296-150V-0200	NEW	99-18-069
296-150M-0655	NEW-P	99-08-129	296-150T-0350	NEW-P	99-08-130	296-150V-0210	NEW-P	99-13-200
296-150M-0655	NEW	99-13-010	296-150T-0350	NEW	99-12-079	296-150V-0210	NEW	99-18-069
296-150M-3000	AMD-P	99-08-128	296-150T-0380	NEW-P	99-08-130	296-150V-0220	NEW-P	99-13-200
296-150M-3000	AMD	99-12-080	296-150T-0380	NEW	99-12-079	296-150V-0220	NEW	99-18-069
296-150P	PREP	99-05-078	296-150T-0390	NEW-P	99-08-130	296-150V-0230	NEW-P	99-13-200
296-150P-0020	AMD-P	99-08-129	296-150T-0390	NEW	99-12-079	296-150V-0230	NEW	99-18-069
296-150P-0020	AMD	99-13-010	296-150T-0400	NEW-P	99-08-130	296-150V-0240	NEW-P	99-13-200
296-150P-0050	NEW-P	99-08-129	296-150T-0400	NEW	99-12-079	296-150V-0240	NEW	99-18-069
296-150P-0050	NEW	99-13-010	296-150T-0410	NEW-P	99-08-130	296-150V-0250	NEW-P	99-13-200
296-150P-0140	NEW-P	99-08-129	296-150T-0410	NEW	99-12-079	296-150V-0250	NEW	99-18-069
296-150P-0140	NEW	99-13-010	296-150T-0500	NEW-P	99-08-130	296-150V-0300	NEW-P	99-13-200
296-150P-3000	AMD-P	99-08-128	296-150T-0500	NEW	99-12-079	296-150V-0300	NEW	99-18-069
296-150P-3000	AMD	99-12-080	296-150T-0510	NEW-P	99-08-130	296-150V-0310	NEW-P	99-13-200
296-150R	PREP	99-05-078	296-150T-0510	NEW	99-12-079	296-150V-0310	NEW	99-18-069
296-150R-0020	AMD-P	99-08-129	296-150T-0520	NEW-P	99-08-130	296-150V-0320	NEW-P	99-13-200
296-150R-0020	AMD	99-13-010	296-150T-0520	NEW	99-12-079	296-150V-0320	NEW	99-18-069
296-150R-0050	NEW-P	99-08-129	296-150T-0530	NEW-P	99-08-130	296-150V-0340	NEW-P	99-13-200
296-150R-0050	NEW	99-13-010	296-150T-0530	NEW	99-12-079	296-150V-0340	NEW	99-18-069
296-150R-0140	NEW-P	99-08-129	296-150T-0540	NEW-P	99-08-130	296-150V-0350	NEW-P	99-13-200
296-150R-0140	NEW	99-13-010	296-150T-0540	NEW	99-12-079	296-150V-0350	NEW	99-18-069
296-150R-3000	AMD-P	99-08-128	296-150T-0550	NEW-P	99-08-130	296-150V-0380	NEW-P	99-13-200
296-150R-3000	AMD	99-12-080	296-150T-0550	NEW	99-12-079	296-150V-0380	NEW	99-18-069
296-150T-0010	NEW-P	99-08-130	296-150T-0580	NEW-P	99-08-130	296-150V-0390	NEW-P	99-13-200
296-150T-0010	NEW	99-12-079	296-150T-0580	NEW	99-12-079	296-150V-0390	NEW	99-18-069
296-150T-0020	NEW-P	99-08-130	296-150T-0590	NEW-P	99-08-130	296-150V-0400	NEW-P	99-13-200
296-150T-0020	NEW	99-12-079	296-150T-0590	NEW	99-12-079	296-150V-0400	NEW	99-18-069
296-150T-0030	NEW-P	99-08-130	296-150T-0600	NEW-P	99-08-130	296-150V-0410	NEW-P	99-13-200
296-150T-0030	NEW	99-12-079	296-150T-0600	NEW	99-12-079	296-150V-0410	NEW	99-18-069
296-150T-0040	NEW-P	99-08-130	296-150T-0700	NEW-P	99-08-130	296-150V-0415	NEW-P	99-13-200
296-150T-0040	NEW	99-12-079	296-150T-0700	NEW	99-12-079	296-150V-0415	NEW	99-18-069
296-150T-0050	NEW-P	99-08-130	296-150T-0710	NEW-P	99-08-130	296-150V-0500	NEW-P	99-13-200
296-150T-0050	NEW	99-12-079	296-150T-0710	NEW	99-12-079	296-150V-0500	NEW	99-18-069
296-150T-0070	NEW-P	99-08-130	296-150T-0720	NEW-P	99-08-130	296-150V-0510	NEW-P	99-13-200

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296-150V-0510	NEW	99-18-069	296-150V-1400	NEW	99-18-069	296-155-17656	REP	99-10-071
296-150V-0520	NEW-P	99-13-200	296-150V-1410	NEW-P	99-13-200	296-155-220	AMD	99-10-071
296-150V-0520	NEW	99-18-069	296-150V-1410	NEW	99-18-069	296-155-270	AMD-XA	99-12-089
296-150V-0530	NEW-P	99-13-200	296-150V-1420	NEW-P	99-13-200	296-155-270	AMD	99-17-094
296-150V-0530	NEW	99-18-069	296-150V-1420	NEW	99-18-069	296-155-367	AMD	99-10-071
296-150V-0540	NEW-P	99-13-200	296-150V-1430	NEW-P	99-13-200	296-155-615	AMD-P	99-16-084
296-150V-0540	NEW	99-18-069	296-150V-1430	NEW	99-18-069	296-155-615	AMD	00-01-176
296-150V-0550	NEW-P	99-13-200	296-150V-1440	NEW-P	99-13-200	296-155-655	AMD	99-10-071
296-150V-0550	NEW	99-18-069	296-150V-1440	NEW	99-18-069	296-155-655	AMD-XA	99-12-089
296-150V-0560	NEW-P	99-13-200	296-150V-1450	NEW-P	99-13-200	296-155-655	AMD	99-17-094
296-150V-0560	NEW	99-18-069	296-150V-1450	NEW	99-18-069	296-155-66403	AMD-XA	99-12-089
296-150V-0580	NEW-P	99-13-200	296-150V-1460	NEW-P	99-13-200	296-155-66403	AMD	99-17-094
296-150V-0580	NEW	99-18-069	296-150V-1460	NEW	99-18-069	296-155-730	AMD	99-10-071
296-150V-0590	NEW-P	99-13-200	296-150V-1470	NEW-P	99-13-200	296-200A-900	AMD-P	99-08-128
296-150V-0590	NEW	99-18-069	296-150V-1470	NEW	99-18-069	296-200A-900	AMD	99-12-080
296-150V-0700	NEW-P	99-13-200	296-150V-1530	NEW-P	99-13-200	296-301	PREP	99-04-057
296-150V-0700	NEW	99-18-069	296-150V-1530	NEW	99-18-069	296-301	PREP	99-06-040
296-150V-0710	NEW-P	99-13-200	296-150V-1540	NEW-P	99-13-200	296-301-020	AMD-XA	99-12-089
296-150V-0710	NEW	99-18-069	296-150V-1540	NEW	99-18-069	296-301-020	AMD	99-12-091
296-150V-0720	NEW-P	99-13-200	296-150V-1550	NEW-P	99-13-200	296-301-020	AMD	99-17-094
296-150V-0720	NEW	99-18-069	296-150V-1550	NEW	99-18-069	296-301-020	AMD	99-22-093
296-150V-0800	NEW-P	99-13-200	296-150V-1560	NEW-P	99-13-200	296-301-170	AMD-XA	99-12-089
296-150V-0800	NEW	99-18-069	296-150V-1560	NEW	99-18-069	296-301-170	AMD	99-17-094
296-150V-0930	NEW-P	99-13-200	296-150V-1570	NEW-P	99-13-200	296-301-195	AMD-XA	99-12-089
296-150V-0930	NEW	99-18-069	296-150V-1570	NEW	99-18-069	296-301-195	AMD	99-17-094
296-150V-0950	NEW-P	99-13-200	296-150V-1580	NEW-P	99-13-200	296-301-195	AMD	99-17-094
296-150V-0950	NEW	99-18-069	296-150V-1580	NEW	99-18-069	296-301-215	AMD-P	99-15-086
296-150V-1040	NEW-P	99-13-200	296-150V-1590	NEW-P	99-13-200	296-301-215	AMD	00-01-038
296-150V-1040	NEW	99-18-069	296-150V-1590	NEW	99-18-069	296-301-220	AMD-XA	99-12-089
296-150V-1070	NEW-P	99-13-200	296-150V-3000	NEW-P	99-13-200	296-301-220	AMD	99-17-094
296-150V-1070	NEW	99-18-069	296-150V-3000	NEW	99-18-069	296-302	PREP	99-02-083
296-150V-1090	NEW-P	99-13-200	296-155	PREP	99-02-083	296-302	PREP	99-02-083
296-150V-1090	NEW	99-18-069	296-155	PREP	99-04-057	296-303	PREP	99-02-083
296-150V-1100	NEW-P	99-13-200	296-155	PREP	99-06-040	296-304	PREP	99-02-083
296-150V-1100	NEW	99-18-069	296-155	PREP	99-07-015	296-304	PREP	99-12-037
296-150V-1110	NEW-P	99-13-200	296-155	PREP	99-08-070	296-304-03005	AMD	99-10-071
296-150V-1110	NEW	99-18-069	296-155	PREP	99-12-037	296-305	PREP	99-02-083
296-150V-1120	NEW-P	99-13-200	296-155	PREP	00-01-174	296-305-01003	AMD	99-05-080
296-150V-1120	NEW	99-18-069	296-155-110	AMD-P	00-01-175	296-305-01005	AMD	99-05-080
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296-150V-1170	NEW	99-18-069	296-155-120	AMD	00-01-038	296-305-02001	AMD	99-05-080
296-150V-1180	NEW-P	99-13-200	296-155-125	AMD-P	99-15-086	296-305-02003	AMD	99-05-080
296-150V-1180	NEW	99-18-069	296-155-125	AMD	00-01-038	296-305-02007	AMD	99-05-080
296-150V-1185	NEW-P	99-13-200	296-155-130	AMD-P	99-15-086	296-305-02013	AMD	99-05-080
296-150V-1185	NEW	99-18-069	296-155-130	AMD	00-01-038	296-305-02015	AMD	99-05-080
296-150V-1190	NEW-P	99-13-200	296-155-135	REP-P	99-15-086	296-305-02501	AMD	99-10-071
296-150V-1190	NEW	99-18-069	296-155-135	REP	00-01-038	296-305-04001	AMD	99-05-080
296-150V-1220	NEW-P	99-13-200	296-155-17317	AMD	99-10-071	296-305-04501	AMD	99-05-080
296-150V-1220	NEW	99-18-069	296-155-17335	REP	99-10-071	296-305-05001	AMD	99-05-080
296-150V-1303	NEW-P	99-13-200	296-155-17337	AMD	99-10-071	296-305-05007	AMD	99-05-080
296-150V-1303	NEW	99-18-069	296-155-17341	AMD	99-10-071	296-305-05009	AMD	99-05-080
296-150V-1330	NEW-P	99-13-200	296-155-17349	REP	99-10-071	296-305-06005	AMD	99-05-080
296-150V-1330	NEW	99-18-069	296-155-17351	REP	99-10-071	296-305-06007	AMD	99-05-080
296-150V-1350	NEW-P	99-13-200	296-155-17353	REP	99-10-071	296-307	PREP	99-02-083
296-150V-1350	NEW	99-18-069	296-155-17355	REP	99-10-071	296-307	PREP	99-12-037
296-150V-1360	NEW-P	99-13-200	296-155-17357	REP	99-10-071	296-307	PREP	99-15-107
296-150V-1360	NEW	99-18-069	296-155-17359	REP	99-10-071	296-307-160	REP-P	99-23-108
296-150V-1380	NEW-P	99-13-200	296-155-174	AMD	99-10-071	296-307-16001	REP-P	99-23-108
296-150V-1380	NEW	99-18-069	296-155-17613	AMD	99-10-071	296-307-16003	REP-P	99-23-108
296-150V-1390	NEW-P	99-13-200	296-155-17625	AMD	99-10-071	296-307-16004	REP-P	99-23-108
296-150V-1390	NEW	99-18-069	296-155-17635	REP	99-10-071	296-307-16005	REP-P	99-23-108
296-150V-1400	NEW-P	99-13-200	296-155-17652	AMD	99-10-071	296-307-16007	REP-P	99-23-108
						296-307-16009	REP-P	99-23-108

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296-307-16013	REP-P	99-23-108	296-307-52029	AMD	00-01-176	308-13-150	AMD	99-23-025
296-307-16015	REP-P	99-23-108	296-307-52030	NEW-P	99-16-084	308-13-160	PREP	99-14-083
296-307-16017	REP-P	99-23-108	296-307-52030	NEW	00-01-176	308-13-160	AMD-P	99-18-103
296-307-16019	REP-P	99-23-108	296-307-52031	AMD-P	99-16-084	308-13-160	AMD	99-23-025
296-307-16021	REP-P	99-23-108	296-307-52031	AMD	00-01-176	308-19-010	AMD-P	99-08-087
296-307-16023	REP-P	99-23-108	296-307-52039	AMD-P	99-16-084	308-19-010	AMD-S	99-21-048
296-307-161	NEW-P	99-23-108	296-307-52039	AMD	00-01-176	308-19-010	AMD-W	99-21-058
296-307-16101	NEW-P	99-23-108	296-307-52047	AMD-P	99-16-084	308-19-010	AMD	00-01-061
296-307-16103	NEW-P	99-23-108	296-307-52047	AMD	00-01-176	308-19-020	AMD-P	99-08-087
296-307-16105	NEW-P	99-23-108	296-350	PREP	99-02-083	308-19-020	AMD-S	99-21-048
296-307-16110	NEW-P	99-23-108	296-350	PREP	99-08-069	308-19-020	AMD-W	99-21-058
296-307-16115	NEW-P	99-23-108	296-400A-045	AMD-XA	99-03-109	308-19-020	AMD	00-01-061
296-307-16120	NEW-P	99-23-108	296-400A-045	AMD	99-07-101	308-19-030	AMD-P	99-08-087
296-307-16125	NEW-P	99-23-108	296-401A-100	AMD	99-05-052	308-19-030	AMD-S	99-21-048
296-307-16130	NEW-P	99-23-108	296-401A-140	AMD	99-05-052	308-19-030	AMD-W	99-21-058
296-307-16135	NEW-P	99-23-108	296-401A-530	AMD	99-05-052	308-19-030	AMD	00-01-061
296-307-16140	NEW-P	99-23-108	296-401A-700	AMD-P	99-08-128	308-19-100	AMD-P	99-08-087
296-307-16145	NEW-P	99-23-108	296-401A-700	AMD	99-12-080	308-19-100	AMD-S	99-21-048
296-307-16150	NEW-P	99-23-108	296-402	PREP	99-17-115	308-19-100	AMD-W	99-21-058
296-307-16155	NEW-P	99-23-108	296-403	PREP	99-17-115	308-19-100	AMD	00-01-061
296-307-16160	NEW-P	99-23-108	304-12-030	AMD-XA	00-01-182	308-19-105	NEW-P	99-08-087
296-307-16165	NEW-P	99-23-108	304-12-035	REP-XA	00-01-182	308-19-105	NEW-S	99-21-048
296-307-16170	NEW-P	99-23-108	304-12-040	REP-XA	00-01-182	308-19-105	NEW-W	99-21-058
296-307-16175	NEW-P	99-23-108	304-12-047	NEW-XA	00-01-182	308-19-105	NEW	00-01-061
296-307-16180	NEW-P	99-23-108	304-12-050	REP-XA	00-01-182	308-19-107	NEW-S	99-21-048
296-307-16185	NEW-P	99-23-108	304-12-070	REP-XA	00-01-182	308-19-107	NEW	00-01-061
296-307-16190	NEW-P	99-23-108	304-12-125	AMD-XA	00-01-182	308-19-110	AMD-P	99-08-087
296-307-163	NEW-P	99-23-108	304-12-140	REP-XA	00-01-182	308-19-110	AMD-S	99-21-048
296-307-16301	NEW-P	99-23-108	304-12-145	REP-XA	00-01-182	308-19-110	AMD-W	99-21-058
296-307-16303	NEW-P	99-23-108	304-12-275	REP-XA	00-01-182	308-19-110	AMD	00-01-061
296-307-16305	NEW-P	99-23-108	304-12-290	REP-XA	00-01-182	308-19-140	AMD-P	99-08-087
296-307-16310	NEW-P	99-23-108	304-12-360	REP-XA	00-01-182	308-19-140	AMD-S	99-21-048
296-307-16315	NEW-P	99-23-108	304-12-370	REP-XA	00-01-182	308-19-140	AMD-W	99-21-058
296-307-16320	NEW-P	99-23-108	304-12-380	REP-XA	00-01-182	308-19-140	AMD	00-01-061
296-307-16325	NEW-P	99-23-108	304-20	AMD-XA	00-01-182	308-19-150	AMD-P	99-08-087
296-307-16330	NEW-P	99-23-108	304-20-005	NEW-XA	00-01-182	308-19-150	AMD-S	99-21-048
296-307-16335	NEW-P	99-23-108	304-20-010	AMD-XA	00-01-182	308-19-150	AMD-W	99-21-058
296-307-16340	NEW-P	99-23-108	304-20-020	REP-XA	00-01-182	308-19-150	AMD	00-01-061
296-307-16345	NEW-P	99-23-108	304-20-030	REP-XA	00-01-182	308-19-160	AMD-P	99-08-087
296-307-16350	NEW-P	99-23-108	304-20-040	REP-XA	00-01-182	308-19-160	AMD-S	99-21-048
296-307-16355	NEW-P	99-23-108	304-20-050	AMD-XA	00-01-182	308-19-160	AMD-W	99-21-058
296-307-16360	NEW-P	99-23-108	304-20-060	AMD-XA	00-01-182	308-19-160	AMD	00-01-061
296-307-16365	NEW-P	99-23-108	304-20-065	NEW-XA	00-01-182	308-19-200	AMD-P	99-08-087
296-307-16370	NEW-P	99-23-108	304-20-070	AMD-XA	00-01-182	308-19-200	AMD-S	99-21-048
296-307-16375	NEW-P	99-23-108	304-20-090	REP-XA	00-01-182	308-19-200	AMD-W	99-21-058
296-307-16380	NEW-P	99-23-108	304-20-100	REP-XA	00-01-182	308-19-200	AMD	00-01-061
296-307-16385	NEW-P	99-23-108	304-20-990	REP-XA	00-01-182	308-19-210	AMD-P	99-08-087
296-307-16390	NEW-P	99-23-108	308-04	PREP	00-01-098	308-19-210	AMD-S	99-21-048
296-307-16395	NEW-P	99-23-108	308-10-010	PREP	99-08-036	308-19-210	AMD-W	99-21-058
296-307-52005	AMD-P	99-16-084	308-10-010	AMD-P	99-12-026	308-19-210	AMD	00-01-061
296-307-52005	AMD	00-01-176	308-10-010	AMD	99-17-031	308-19-220	AMD-P	99-08-087
296-307-52007	AMD-P	99-16-084	308-10-045	AMD-XA	99-05-004	308-19-220	AMD-S	99-21-048
296-307-52007	AMD	00-01-176	308-10-045	AMD	99-09-045	308-19-220	AMD-W	99-21-058
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296-307-52019	AMD	00-01-176	308-12-326	AMD	99-08-062	308-19-230	AMD-W	99-21-058
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308-19-250	AMD	00-01-061	308-56A-056	NEW	99-21-098	308-56A-455	PREP	99-18-129
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308-19-300	AMD-S	99-21-048	308-56A-060	AMD	99-08-064	308-56A-460	PREP	99-18-129
308-19-300	AMD-W	99-21-058	308-56A-065	AMD-P	99-04-037	308-56A-460	AMD-P	00-01-060
308-19-300	AMD	00-01-061	308-56A-065	AMD	99-08-064	308-56A-465	PREP	99-18-129
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308-19-410	AMD-W	99-21-058	308-56A-145	REP-P	99-07-016	308-56A-505	AMD-P	00-01-005
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308-19-430	NEW-W	99-21-058	308-56A-200	AMD	99-12-031	308-56A-610	REP-P	00-01-045
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308-19-440	NEW	00-01-061	308-56A-250	AMD-P	99-04-038	308-56A-640	AMD-P	00-01-045
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308-21-300	REP	99-14-035	308-56A-275	AMD-P	99-04-038	308-56A-680	REP-P	00-01-045
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308-21-600	REP	99-14-035	308-56A-300	AMD-P	99-09-043	308-57-020	PREP	99-18-126
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308-32-020	REP	99-14-062	308-56A-310	AMD-P	99-09-043	308-57-130	PREP	99-18-126
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308-61-125	AMD	00-01-058	308-91-030	AMD-P	99-21-096	308-93-145	PREP	99-10-057
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308-61-145	AMD	00-01-058	308-91-040	AMD	00-01-150	308-93-155	REP-P	99-17-070
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308-78-090	AMD-P	99-15-096	308-93-079	PREP	99-18-009	308-93-570	REP	99-07-041
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308-94-210	REP-P	99-19-144	308-96A-085	PREP	99-03-003	308-96A-370	PREP	99-18-128
308-94-210	REP	99-24-013	308-96A-085	AMD-P	99-12-111	308-96A-370	REP-P	99-23-010
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308-124F-030	REP	99-03-042	314-02-080	NEW-P	99-23-105	314-16-190	REP-P	99-23-105
308-124H-011	PREP	99-18-101	314-02-085	NEW-P	99-23-105	314-16-196	REP-P	99-23-105
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308-124H-028	PREP	99-18-101	314-02-100	NEW-P	99-23-105	314-16-200	PREP	99-19-142
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308-124H-061	PREP	99-18-101	314-02-110	NEW-P	99-23-105	314-16-205	PREP	99-19-142
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365-18-020	NEW-S	99-04-072	365-140-030	AMD-P	99-10-114	383-06-071	NEW-E	99-18-034
365-18-020	NEW-W	99-17-084	365-140-030	AMD	99-15-062	383-06-071	NEW-P	99-20-078
365-18-020	NEW-S	99-18-105	365-140-040	AMD-P	99-10-114	383-06-071	NEW	99-24-093
365-18-020	NEW-S	00-01-163	365-140-040	AMD	99-15-062	383-06-080	AMD-E	99-18-034
365-18-030	NEW-S	99-04-072	365-140-050	AMD-P	99-10-114	383-06-080	AMD-P	99-20-078
365-18-030	NEW-W	99-17-084	365-140-050	AMD	99-15-062	383-06-080	AMD	99-24-093
365-18-030	NEW-S	99-18-105	365-140-060	AMD-P	99-10-114	383-06-090	AMD-E	99-16-012
365-18-030	NEW-S	00-01-163	365-140-060	AMD	99-15-062	383-06-090	AMD-E	99-18-034
365-18-040	NEW-S	99-04-072	365-170	PREP	99-10-067	383-06-090	AMD-P	99-20-078
365-18-040	NEW-W	99-17-084	365-170-020	AMD-P	99-15-106	383-06-090	AMD	99-24-093
365-18-040	NEW-S	99-18-105	365-170-020	AMD	99-19-176	383-06-091	NEW-E	99-18-034
365-18-040	NEW-S	00-01-163	365-170-030	AMD-XA	99-15-029	383-06-091	NEW-P	99-20-078
365-18-050	NEW-S	99-04-072	365-170-030	AMD-P	99-15-106	383-06-091	NEW	99-24-093
365-18-050	NEW-W	99-17-084	365-170-030	AMD	99-19-176	383-06-100	AMD-E	99-16-012
365-18-050	NEW-S	99-18-105	365-170-050	AMD-P	99-15-106	383-06-100	AMD-E	99-18-034
365-18-050	NEW-S	00-01-163	365-170-050	AMD	99-19-176	383-06-100	AMD-P	99-20-078
365-18-060	NEW-S	99-04-072	365-170-070	AMD-P	99-15-106	383-06-100	AMD	99-24-093
365-18-060	NEW-W	99-17-084	365-170-070	AMD	99-19-176	383-06-110	REP-E	99-18-034
365-18-060	NEW-S	99-18-105	365-170-080	AMD-P	99-15-106	383-06-110	REP-P	99-20-078
365-18-060	NEW-S	00-01-163	365-170-080	AMD	99-19-176	383-06-110	REP	99-24-093
365-18-070	NEW-S	99-04-072	365-170-090	AMD-P	99-15-106	383-06-120	AMD-E	99-16-012
365-18-070	NEW-W	99-17-084	365-170-090	AMD	99-19-176	383-06-120	AMD-E	99-18-034
365-18-070	NEW-S	99-18-105	365-170-095	NEW-P	99-15-106	383-06-120	AMD-P	99-20-078
365-18-070	NEW-S	00-01-163	365-170-095	NEW	99-19-176	383-06-120	AMD	99-24-093
365-18-080	NEW-S	99-04-072	365-170-100	AMD-P	99-15-106	383-06-121	NEW-E	99-18-034
365-18-080	NEW-W	99-17-084	365-170-100	AMD	99-19-176	383-06-121	NEW-P	99-20-078
365-18-080	NEW-S	99-18-105	381-50-180	AMD	99-07-081	383-06-121	NEW	99-24-093
365-18-080	NEW-S	00-01-163	383-06	PREP	99-17-112	383-06-125	NEW-E	99-18-034
365-18-090	NEW-S	99-04-072	383-06-010	AMD-E	99-16-012	383-06-125	NEW-P	99-20-078
365-18-090	NEW-W	99-17-084	383-06-010	AMD-E	99-18-034	383-06-125	NEW	99-24-093
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365-18-090	NEW-S	00-01-163	383-06-010	AMD	99-24-093	383-06-130	AMD-P	99-20-078
365-18-100	NEW-S	99-04-072	383-06-020	AMD-E	99-16-012	383-06-130	AMD	99-24-093
365-18-100	NEW-W	99-17-084	383-06-020	AMD-E	99-18-034	383-06-140	AMD-E	99-18-034
365-18-100	NEW-S	99-18-105	383-06-020	AMD-P	99-20-078	383-06-140	AMD-P	99-20-078
365-18-100	NEW-S	00-01-163	383-06-020	AMD	99-24-093	383-06-140	AMD	99-24-093
365-18-110	NEW-S	99-04-072	383-06-030	AMD-E	99-18-034	383-06-141	NEW-E	99-18-034
365-18-110	NEW-W	99-17-084	383-06-030	AMD-P	99-20-078	383-06-141	NEW-P	99-20-078
365-18-110	NEW-S	99-18-105	383-06-030	AMD	99-24-093	383-06-141	NEW	99-24-093
365-18-110	NEW-S	00-01-163	383-06-031	NEW-E	99-18-034	383-07	PREP	99-17-113
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365-18-120	NEW-W	99-17-084	383-06-031	NEW	99-24-093	383-07-020	AMD-E	99-18-035
365-18-120	NEW-S	99-18-105	383-06-040	AMD-E	99-16-012	383-07-020	AMD-P	99-20-079
365-18-120	NEW-S	00-01-163	383-06-040	AMD-E	99-18-034	383-07-020	AMD	99-24-092
365-120	PREP	99-20-104	383-06-040	AMD-P	99-20-078	383-07-030	AMD-E	99-16-013
365-120-010	AMD-P	99-24-116	383-06-040	AMD	99-24-093	383-07-030	AMD-E	99-18-035
365-120-020	AMD-P	99-24-116	383-06-045	AMD-E	99-18-034	383-07-030	AMD-P	99-20-079
365-120-030	AMD-P	99-24-116	383-06-045	AMD-P	99-20-078	383-07-030	AMD	99-24-092
365-120-040	AMD-P	99-24-116	383-06-045	AMD	99-24-093	383-07-040	AMD-E	99-16-013
365-120-050	AMD-P	99-24-116	383-06-046	NEW-E	99-18-034	383-07-040	AMD-E	99-18-035
365-120-060	AMD-P	99-24-116	383-06-046	NEW-P	99-20-078	383-07-040	AMD-P	99-20-079
365-120-070	NEW-E	99-16-025	383-06-046	NEW	99-24-093	383-07-040	AMD	99-24-092
365-120-070	NEW-E	99-22-028	383-06-050	REP-E	99-18-034	383-07-045	AMD-E	99-18-035
365-120-070	NEW-P	99-24-116	383-06-050	REP-P	99-20-078	383-07-045	AMD-P	99-20-079
365-120-080	NEW-P	99-24-116	383-06-050	REP	99-24-093	383-07-045	AMD	99-24-092
365-120-090	NEW-P	99-24-116	383-06-060	REP-E	99-18-034	383-07-050	AMD-E	99-16-013
365-130	PREP	99-08-059	383-06-060	REP-P	99-20-078	383-07-050	AMD-E	99-18-035
365-135	PREP	99-15-010	383-06-060	REP	99-24-093	383-07-050	AMD-P	99-20-079
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383- 07-070	AMD-P	99-20-079	388- 01-160	NEW	99-15-065	388- 08-440	AMD	99-16-023
383- 07-070	AMD	99-24-092	388- 01-170	NEW-P	99-11-085	388- 08-464	AMD-XA	99-11-086
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383- 07-080	AMD-E	99-18-035	388- 01-180	NEW-P	99-11-085	388- 08-470	AMD-XA	99-11-086
383- 07-080	AMD-P	99-20-079	388- 01-180	NEW	99-15-065	388- 08-470	AMD	99-16-023
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383- 07-090	AMD-P	99-20-079	388- 01-220	NEW-W	99-24-076	388- 10-010	DECOD	99-15-021
383- 07-090	AMD	99-24-092	388- 02	PREP	99-21-037	388- 10-020	DECOD	99-15-021
383- 07-100	AMD-E	99-16-013	388- 03-010	NEW-P	99-23-081	388- 10-030	DECOD	99-15-021
383- 07-100	AMD-E	99-18-035	388- 03-020	NEW-P	99-23-081	388- 10-040	DECOD	99-15-021
383- 07-100	AMD-P	99-20-079	388- 03-030	NEW-P	99-23-081	388- 10-050	DECOD	99-15-021
383- 07-100	AMD	99-24-092	388- 03-050	NEW-P	99-23-081	388- 10-060	DECOD	99-15-021
383- 07-115	AMD-E	99-18-035	388- 03-060	NEW-P	99-23-081	388- 10-070	DECOD	99-15-021
383- 07-115	AMD-P	99-20-079	388- 03-110	NEW-P	99-23-081	388- 14-420	PREP	99-09-003
383- 07-115	AMD	99-24-092	388- 03-112	NEW-P	99-23-081	388- 14-420	AMD-E	99-09-004
383- 07-120	AMD-E	99-16-013	388- 03-114	NEW-P	99-23-081	388- 14-420	AMD-P	99-17-010
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383- 07-120	AMD-P	99-20-079	388- 03-116	NEW-P	99-23-081	388- 14-420	AMD	99-20-012
383- 07-120	AMD	99-24-092	388- 03-117	NEW-P	99-23-081	388- 14-421	NEW-P	99-17-010
383- 07-125	NEW-E	99-18-035	388- 03-118	NEW-P	99-23-081	388- 14-421	NEW	99-20-012
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383- 07-125	NEW	99-24-092	388- 03-122	NEW-P	99-23-081	388- 14-422	NEW	99-20-012
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383- 07-130	AMD-E	99-18-035	388- 03-124	NEW-P	99-23-081	388- 14-423	NEW	99-20-012
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383- 07-130	AMD	99-24-092	388- 03-126	NEW-P	99-23-081	388- 14-424	NEW	99-20-012
388- 01-010	NEW-P	99-11-085	388- 03-130	NEW-P	99-23-081	388- 14-490	AMD-P	99-17-052
388- 01-010	NEW	99-15-065	388- 03-132	NEW-P	99-23-081	388- 14-490	AMD	99-20-011
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388- 01-020	NEW	99-15-065	388- 03-135	NEW-P	99-23-081	388- 15	PREP	99-24-024
388- 01-030	NEW-P	99-11-085	388- 03-138	NEW-P	99-23-081	388- 15-120	PREP	99-19-089
388- 01-030	NEW	99-15-065	388- 03-140	NEW-P	99-23-081	388- 15-120	REP-P	99-23-077
388- 01-040	NEW-P	99-11-085	388- 03-150	NEW-P	99-23-081	388- 15-130	PREP	99-17-054
388- 01-040	NEW	99-15-065	388- 03-152	NEW-P	99-23-081	388- 15-132	PREP	99-17-054
388- 01-050	NEW-P	99-11-085	388- 03-154	NEW-P	99-23-081	388- 15-134	PREP	99-17-054
388- 01-050	NEW	99-15-065	388- 03-156	NEW-P	99-23-081	388- 15-145	REP-P	99-23-080
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388- 01-060	NEW	99-15-065	388- 03-172	NEW-P	99-23-081	388- 15-160	PREP	99-17-054
388- 01-070	NEW-P	99-11-085	388- 03-174	NEW-P	99-23-081	388- 15-170	DECOD	99-15-076
388- 01-070	NEW	99-15-065	388- 03-176	NEW-P	99-23-081	388- 15-171	DECOD	99-15-076
388- 01-080	NEW-P	99-11-085	388- 04-010	RECOD	99-15-021	388- 15-174	DECOD	99-19-087
388- 01-080	NEW	99-15-065	388- 04-020	RECOD	99-15-021	388- 15-175	DECOD	99-15-076
388- 01-090	NEW-P	99-11-085	388- 04-030	RECOD	99-15-021	388- 15-176	DECOD	99-15-076
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388- 01-120	NEW	99-15-065	388- 08	PREP	99-21-037	388- 15-19600	REP-P	99-23-078
388- 01-130	NEW-P	99-11-085	388- 08-410	AMD-XA	99-11-086	388- 15-19610	AMD	99-03-041
388- 01-130	NEW	99-15-065	388- 08-410	AMD	99-16-023	388- 15-19610	PREP	99-18-042
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388-15-19630	REP-P	99-23-078	388-15-695	REP-P	99-23-080	388-71-0475	NEW-P	99-23-080
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388-15-19660	PREP	99-18-042	388-15-890	REP-P	99-23-080	388-71-0800	NEW	99-19-048
388-15-19660	REP-P	99-23-078	388-15-895	REP-P	99-23-080	388-71-0805	NEW-P	99-14-066
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388-15-19670	PREP	99-18-042	388-17-010	REP-P	99-23-080	388-71-0810	NEW-P	99-14-066
388-15-19670	REP-P	99-23-078	388-17-020	REP-P	99-23-080	388-71-0810	NEW	99-19-048
388-15-19680	AMD	99-03-041	388-17-100	REP-P	99-23-080	388-71-0815	NEW-P	99-14-066
388-15-19680	PREP	99-18-042	388-17-120	REP-P	99-23-080	388-71-0815	NEW	99-19-048
388-15-19680	REP-P	99-23-078	388-17-160	REP-P	99-23-080	388-71-0820	NEW-P	99-14-066
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388-15-555	REP-P	99-23-080	388-43-040	DECOD	99-20-022	388-71-105	NEW-P	99-23-077
388-15-560	REP-P	99-23-080	388-43-050	DECOD	99-20-022	388-71-105	NEW-P	99-23-080
388-15-562	REP-P	99-23-080	388-43-060	DECOD	99-20-022	388-71-1065	NEW-P	99-23-080
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388-15-564	REP-P	99-23-080	388-43-080	DECOD	99-20-022	388-71-1075	NEW-P	99-23-080
388-15-566	REP-P	99-23-080	388-43-090	DECOD	99-20-022	388-71-1080	NEW-P	99-23-080
388-15-568	REP-P	99-23-080	388-43-110	DECOD	99-20-022	388-71-1085	NEW-P	99-23-080
388-15-570	PREP	99-17-054	388-43-130	DECOD	99-20-022	388-71-1090	NEW-P	99-23-080
388-15-600	REP-P	99-23-080	388-60	PREP	99-17-057	388-71-1095	NEW-P	99-23-080
388-15-610	PREP	99-11-083	388-71	PREP	99-18-042	388-71-110	NEW-P	99-23-077
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388-15-630	REP-P	99-23-080	388-71	PREP	99-24-024	388-71-1105	NEW-P	99-23-080
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388-15-651	NEW	99-12-072	388-71-0405	NEW-P	99-23-080	388-71-115	NEW-P	99-23-077
388-15-652	NEW	99-12-072	388-71-0410	NEW-P	99-23-080	388-71-120	NEW-P	99-23-077
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388- 78A-265	AMD-XA	99-09-052	388- 87-065	REP	99-16-069	388- 96-725	AMD-P	99-19-024
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388-97-46550	NEW-P	99-24-045	388-155-490	AMD-P	99-24-028	388-290-060	REP	99-14-023
388-97-46560	NEW-P	99-24-045	388-155-500	AMD-P	99-24-028	388-290-060	REP	99-14-023
388-97-46570	NEW-P	99-24-045	388-155-600	AMD-P	99-24-028	388-290-070	REP-P	99-08-121
388-97-46580	NEW-P	99-24-045	388-165-108	NEW-P	99-18-071	388-290-070	REP	99-14-023
388-97-46590	NEW-P	99-24-045	388-165-108	NEW	99-22-011	388-290-075	NEW-P	99-08-121
388-97-470	AMD-P	99-24-045	388-165-110	RECOD	99-15-076	388-290-075	NEW	99-14-023
388-97-47010	NEW-P	99-24-045	388-165-120	RECOD	99-15-076	388-290-080	REP-P	99-08-121
388-97-47020	NEW-P	99-24-045	388-165-130	RECOD	99-19-087	388-290-080	REP	99-14-023
388-97-475	REP-P	99-24-045	388-165-140	RECOD	99-15-076	388-290-090	REP-P	99-08-121
388-97-480	AMD-P	99-24-045	388-165-179	NEW-P	99-18-071	388-290-090	REP	99-14-023
388-97-48010	NEW-P	99-24-045	388-165-179	NEW	99-22-011	388-290-1000	NEW-P	99-08-121
388-97-48020	NEW-P	99-24-045	388-165-180	NEW-P	99-18-071	388-290-105	REP-P	99-08-121
388-97-48030	NEW-P	99-24-045	388-165-180	NEW	99-22-011	388-290-105	REP	99-14-023
388-97-48040	NEW-P	99-24-045	388-165-185	NEW-P	99-18-071	388-290-1050	NEW-P	99-08-121
388-97-550	NEW-P	99-24-045	388-165-185	NEW	99-22-011	388-290-1100	NEW-P	99-08-121
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388-97-560	NEW-P	99-24-045	388-165-190	NEW	99-22-011	388-290-1200	NEW-P	99-08-121
388-97-565	NEW-P	99-24-045	388-165-195	NEW-P	99-18-071	388-290-125	NEW-P	99-08-121
388-97-570	NEW-P	99-24-045	388-165-195	NEW	99-22-011	388-290-125	NEW	99-14-023
388-97-575	NEW-P	99-24-045	388-165-200	NEW-P	99-18-071	388-290-1250	NEW-P	99-08-121
388-97-580	NEW-P	99-24-045	388-165-200	NEW	99-22-011	388-290-1300	NEW-P	99-08-121
388-97-585	NEW-P	99-24-045	388-165-205	NEW-P	99-18-071	388-290-1350	NEW-P	99-08-121
388-97-590	NEW-P	99-24-045	388-165-205	NEW	99-22-011	388-290-1375	NEW-P	99-08-121
388-97-595	NEW-P	99-24-045	388-165-210	NEW-P	99-18-071	388-290-1400	NEW-P	99-08-121
388-97-600	NEW-P	99-24-045	388-165-210	NEW	99-22-011	388-290-150	NEW-P	99-08-121
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388-155-020	AMD-P	99-24-028	388-165-215	NEW	99-22-011	388-290-200	NEW-P	99-08-121
388-155-070	AMD-P	99-24-028	388-165-220	NEW-P	99-18-071	388-290-200	NEW	99-14-023
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388-155-100	AMD-P	99-24-028	388-165-225	NEW-P	99-18-071	388-290-270	NEW	99-14-023
388-155-110	AMD-P	99-24-028	388-165-225	NEW	99-22-011	388-290-280	NEW-P	99-08-121
388-155-120	AMD-P	99-24-028	388-165-230	NEW-P	99-18-071	388-290-280	NEW	99-14-023
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388-444-0045	AMD	99-07-024	388-450-0200	AMD	99-24-052	388-470-0025	PREP	99-03-040
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388-470-0045	AMD-P	99-12-117	388-501-0160	AMD-P	99-20-107	388-513-1366	NEW-P	99-16-067
388-470-0045	AMD	99-16-024	388-501-0165	PREP	99-08-041	388-513-1366	NEW	00-01-051
388-470-0050	PREP	99-03-040	388-501-0165	AMD-P	99-20-107	388-513-1380	AMD-P	99-06-100
388-470-0055	AMD-P	99-12-117	388-501-0175	PREP	99-05-044	388-513-1380	AMD-E	99-08-016
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388-470-0070	PREP	99-03-040	388-501-0175	AMD	00-01-088	388-513-1380	AMD-E	99-18-040
388-470-0075	AMD-P	99-12-117	388-501-0200	NEW-P	99-20-111	388-513-1380	PREP	99-20-010
388-470-0075	AMD	99-16-024	388-501-0200	NEW	00-01-088	388-513-1380	PREP	00-01-106
388-470-0080	REP-P	99-19-160	388-502	PREP	99-20-048	388-513-1380	AMD-E	00-01-108
388-470-0080	REP	99-23-083	388-502-0120	NEW	00-01-088	388-513-1395	AMD	99-06-045
388-472-0005	AMD-P	99-13-192	388-502-0130	RECOD	00-01-088	388-513-1395	AMD-P	99-16-067
388-472-0005	AMD	99-17-025	388-502-0220	PREP	99-06-085	388-513-1395	AMD	00-01-051
388-476-0005	AMD-P	99-13-192	388-502-0220	AMD-P	99-11-052	388-513-1396	AMD-P	99-16-067
388-476-0005	AMD	99-17-025	388-502-0220	AMD	99-16-070	388-513-1396	AMD	00-01-051
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388-478-0010	AMD	99-16-024	388-502-0250	AMD-P	99-20-111	388-515-1505	AMD-P	99-19-090
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388-478-0025	REP-P	99-12-116	388-502-0250	DECOD	00-01-088	388-515-1510	AMD	99-06-045
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388-478-0055	PREP	99-05-045	388-505-0210	AMD	99-17-023	388-515-1530	AMD-P	99-16-067
388-478-0055	AMD-P	99-15-078	388-505-0540	PREP	99-05-044	388-515-1530	AMD	00-01-051
388-478-0055	AMD	99-18-063	388-505-0595	PREP	99-05-044	388-517-0300	PREP	99-21-039
388-478-0060	AMD	99-05-074	388-510-1005	REP-XR	99-15-042	388-526-2610	PREP	99-05-044
388-478-0060	AMD-P	99-12-120	388-511-1130	PREP	99-05-044	388-527	AMD-P	99-07-025
388-478-0060	AMD	99-16-024	388-513-1300	REP-P	99-16-067	388-527	AMD	99-11-076
388-478-0060	AMD-E	99-20-040	388-513-1300	REP	00-01-051	388-527-2700	NEW-P	99-07-025
388-478-0060	AMD-P	99-20-101	388-513-1301	NEW-P	99-16-067	388-527-2700	NEW	99-11-076
388-478-0060	AMD	99-24-053	388-513-1301	NEW	00-01-051	388-527-2730	AMD-P	99-07-025
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388-478-0070	AMD-E	99-08-119	388-513-1305	AMD-P	99-16-067	388-527-2730	NEW-P	99-07-025
388-478-0070	AMD	99-11-054	388-513-1305	AMD	00-01-051	388-527-2733	NEW	99-11-076
388-478-0070	PREP	00-01-050	388-513-1310	REP-P	99-16-067	388-527-2733	NEW	99-11-076
388-478-0070	AMD-E	00-01-085	388-513-1310	REP	00-01-051	388-527-2735	REP-P	99-07-025
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388-478-0075	AMD-E	99-08-001	388-513-1315	AMD-P	99-16-067	388-527-2737	NEW-P	99-07-025
388-478-0075	AMD-P	99-15-044	388-513-1315	AMD	00-01-051	388-527-2737	NEW	99-11-076
388-478-0075	AMD-E	99-15-045	388-513-1320	AMD	99-06-045	388-527-2740	AMD-P	99-07-025
388-478-0075	AMD	99-19-005	388-513-1320	AMD-P	99-16-067	388-527-2740	AMD	99-11-076
388-478-0080	AMD-P	99-08-118	388-513-1320	AMD	00-01-051	388-527-2742	AMD-P	99-07-025
388-478-0080	AMD-E	99-08-119	388-513-1325	NEW-P	99-16-067	388-527-2742	AMD	99-11-076
388-478-0080	AMD	99-11-054	388-513-1325	NEW	00-01-051	388-527-2750	AMD-P	99-07-025
388-478-0080	PREP	00-01-050	388-513-1330	AMD	99-06-045	388-527-2750	AMD	99-11-076
388-478-0080	AMD-E	00-01-085	388-513-1330	AMD-P	99-16-067	388-527-2752	REP-P	99-07-025
388-478-0085	PREP	99-07-103	388-513-1330	AMD	00-01-051	388-527-2752	REP	99-11-076
388-478-0085	AMD-E	99-08-001	388-513-1340	AMD-W	99-13-096	388-527-2753	REP-P	99-07-025
388-478-0085	AMD-P	99-15-044	388-513-1340	AMD-P	99-19-090	388-527-2753	REP	99-11-076
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388-478-0085	AMD	99-19-005	388-513-1345	AMD-W	99-13-096	388-527-2754	AMD	99-11-076
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388-482-0005	AMD	99-16-024	388-513-1350	AMD	99-06-045	388-527-2795	NEW-P	99-07-025
388-484-0005	AMD-P	99-04-102	388-513-1350	AMD-P	99-16-067	388-527-2795	NEW	99-11-076
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388-501-0050	NEW	00-01-088	388-513-1360	AMD-P	99-16-067	388-530-1800	PREP	99-05-044
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388-535-1010	NEW	99-07-023	388-543-1300	NEW-W	99-08-080	388-550-3450	PREP	99-06-084
388-535-1050	AMD	99-07-023	388-543-1400	NEW-W	99-08-080	388-550-3450	AMD-P	99-09-091
388-535-1060	NEW	99-07-023	388-543-1500	NEW-W	99-08-080	388-550-3450	AMD	99-14-027
388-535-1080	NEW	99-07-023	388-543-1600	NEW-W	99-08-080	388-550-3500	AMD	99-06-046
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388-535-1230	NEW	99-07-023	388-543-2100	NEW-W	99-08-080	388-550-3900	PREP	99-06-084
388-535-1240	NEW	99-07-023	388-543-2200	NEW-W	99-08-080	388-550-3900	AMD-P	99-09-091
388-535-1250	AMD	99-07-023	388-543-2300	NEW-W	99-08-080	388-550-3900	AMD	99-14-027
388-535-1260	NEW	99-07-023	388-543-2400	NEW-W	99-08-080	388-550-4100	PREP	99-06-084
388-535-1300	AMD	99-07-023	388-543-2500	NEW-W	99-08-080	388-550-4100	AMD-P	99-09-091
388-535-1350	AMD	99-07-023	388-543-2600	NEW-W	99-08-080	388-550-4100	AMD	99-14-027
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388-535-1500	AMD	99-07-023	388-543-2900	NEW-W	99-08-080	388-550-4500	AMD-P	99-09-091
388-535-1550	AMD	99-07-023	388-543-3000	NEW-W	99-08-080	388-550-4500	AMD-W	99-11-050
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388-538-050	AMD-P	99-20-109	388-545-500	NEW-P	99-20-106	388-550-4800	AMD	99-06-046
388-538-060	AMD-P	99-20-109	388-545-700	NEW-P	99-11-074	388-550-4800	AMD-P	99-09-090
388-538-065	NEW-P	99-20-109	388-545-700	NEW	99-16-071	388-550-4800	AMD	99-14-026
388-538-066	NEW-P	99-20-109	388-546	PREP	99-13-191	388-550-4900	PREP	99-06-083
388-538-070	AMD-P	99-20-109	388-550	PREP	99-20-049	388-550-4900	AMD-P	99-09-087
388-538-080	AMD-P	99-20-109	388-550-1050	AMD	99-06-046	388-550-4900	AMD	99-14-040
388-538-090	REP-P	99-20-109	388-550-1050	PREP	99-06-087	388-550-5000	PREP	99-06-083
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388-538-120	AMD-P	99-20-109	388-550-2300	REP-P	99-14-038	388-550-5100	AMD-P	99-09-087
388-538-130	AMD-P	99-20-109	388-550-2300	REP	99-17-111	388-550-5100	AMD	99-14-025
388-538-140	AMD-P	99-20-109	388-550-2431	NEW	99-06-046	388-550-5110	PREP	99-06-083
388-538-150	REP-P	99-20-109	388-550-2501	NEW-P	99-14-038	388-550-5110	NEW-P	99-09-087
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388-539-0500	PREP	99-13-190	388-550-2511	NEW-P	99-14-038	388-550-5120	PREP	99-06-083
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388-540-001	AMD	00-01-088	388-550-2521	NEW	99-17-111	388-550-5150	PREP	99-06-083
388-540-005	AMD-P	99-20-111	388-550-2531	NEW-P	99-14-038	388-550-5150	AMD-P	99-09-087
388-540-005	AMD	00-01-088	388-550-2531	NEW	99-17-111	388-550-5150	AMD	99-14-025
388-540-010	PREP	99-05-044	388-550-2541	NEW-P	99-14-038	388-550-5200	PREP	99-06-083
388-540-010	AMD-P	99-20-111	388-550-2541	NEW	99-17-111	388-550-5200	AMD-P	99-09-087
388-540-010	AMD	00-01-088	388-550-2551	NEW-P	99-14-038	388-550-5200	AMD	99-14-025
388-540-020	PREP	99-05-044	388-550-2551	NEW	99-17-111	388-550-5250	PREP	99-06-083
388-540-020	AMD-P	99-20-111	388-550-2561	NEW-P	99-14-038	388-550-5250	AMD-P	99-09-087
388-540-020	AMD	00-01-088	388-550-2561	NEW	99-17-111	388-550-5250	AMD	99-14-025
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388-540-030	AMD	00-01-088	388-550-2800	PREP	99-06-084	388-550-5300	AMD-P	99-09-087
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388-540-040	AMD-P	99-20-111	388-550-2800	AMD	99-14-027	388-550-5350	PREP	99-06-083
388-540-040	AMD	00-01-088	388-550-2900	AMD	99-06-046	388-550-5350	AMD-P	99-09-087
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388-540-050	AMD-P	99-20-111	388-550-2900	AMD-P	99-09-091	388-550-5400	PREP	99-06-083
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388-550-6000	AMD	99-06-046	388-552-001	NEW	99-13-049	388-810-090	NEW-P	99-16-098
388-550-6000	PREP	99-06-086	388-552-005	NEW-P	99-08-122	388-810-090	NEW	99-19-105
388-550-6000	AMD-P	99-09-089	388-552-005	NEW	99-13-049	388-815-005	RECOD	99-20-023
388-550-6000	PREP	99-12-071	388-552-100	NEW-P	99-08-122	388-815-010	RECOD	99-20-023
388-550-6000	AMD	99-14-028	388-552-100	NEW	99-13-049	388-815-020	RECOD	99-20-023
388-551-1000	NEW-P	99-05-073	388-552-200	NEW-P	99-08-122	388-815-030	RECOD	99-20-023
388-551-1000	NEW	99-09-007	388-552-200	NEW	99-13-049	388-815-100	RECOD	99-20-023
388-551-1010	NEW-P	99-05-073	388-552-210	NEW-P	99-08-122	388-815-110	RECOD	99-20-023
388-551-1010	NEW	99-09-007	388-552-210	NEW	99-13-049	388-815-120	RECOD	99-20-023
388-551-1200	NEW-P	99-05-073	388-552-220	NEW-P	99-08-122	388-815-130	RECOD	99-20-023
388-551-1200	NEW	99-09-007	388-552-220	NEW	99-13-049	388-815-140	RECOD	99-20-023
388-551-1210	NEW-P	99-05-073	388-552-230	NEW-P	99-08-122	388-815-160	RECOD	99-20-023
388-551-1210	NEW	99-09-007	388-552-230	NEW	99-13-049	388-815-200	RECOD	99-20-023
388-551-1300	NEW-P	99-05-073	388-552-240	NEW-P	99-08-122	388-815-205	RECOD	99-20-023
388-551-1300	NEW	99-09-007	388-552-240	NEW	99-13-049	388-815-210	RECOD	99-20-023
388-551-1310	NEW-P	99-05-073	388-552-300	NEW-P	99-08-122	388-815-215	RECOD	99-20-023
388-551-1310	NEW	99-09-007	388-552-300	NEW	99-13-049	388-815-220	RECOD	99-20-023
388-551-1315	NEW-P	99-05-073	388-552-310	NEW-P	99-08-122	388-815-230	RECOD	99-20-023
388-551-1315	NEW	99-09-007	388-552-310	NEW	99-13-049	388-815-240	RECOD	99-20-023
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388-551-1320	NEW	99-09-007	388-552-320	NEW	99-13-049	388-818-001	RECOD	99-20-022
388-551-1330	NEW-P	99-05-073	388-552-330	NEW-P	99-08-122	388-818-002	RECOD	99-20-022
388-551-1330	NEW	99-09-007	388-552-330	NEW	99-13-049	388-818-003	RECOD	99-20-022
388-551-1340	NEW-P	99-05-073	388-552-340	NEW-P	99-08-122	388-818-005	RECOD	99-20-022
388-551-1340	NEW	99-09-007	388-552-340	NEW	99-13-049	388-818-010	RECOD	99-20-022
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388-551-1350	NEW	99-09-007	388-552-350	NEW	99-13-049	388-818-030	RECOD	99-20-022
388-551-1360	NEW-P	99-05-073	388-552-360	NEW-P	99-08-122	388-818-040	RECOD	99-20-022
388-551-1360	NEW	99-09-007	388-552-360	NEW	99-13-049	388-818-050	RECOD	99-20-022
388-551-1400	NEW-P	99-05-073	388-552-370	NEW-P	99-08-122	388-818-060	RECOD	99-20-022
388-551-1400	NEW	99-09-007	388-552-370	NEW	99-13-049	388-818-070	RECOD	99-20-022
388-551-1410	NEW-P	99-05-073	388-552-380	NEW-P	99-08-122	388-818-080	RECOD	99-20-022
388-551-1410	NEW	99-09-007	388-552-380	NEW	99-13-049	388-818-090	RECOD	99-20-022
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388-551-1510	NEW-P	99-05-073	388-552-400	NEW-P	99-08-122	388-820-005	RECOD	99-19-104
388-551-1510	NEW	99-09-007	388-552-400	NEW	99-13-049	388-820-010	RECOD	99-19-104
388-551-1520	NEW-P	99-05-073	388-552-410	NEW-P	99-08-122	388-820-015	RECOD	99-19-104
388-551-1520	NEW	99-09-007	388-552-410	NEW	99-13-049	388-820-020	RECOD	99-19-104
388-551-1530	NEW-P	99-05-073	388-552-420	NEW-P	99-08-122	388-820-025	RECOD	99-19-104
388-551-1530	NEW	99-09-007	388-552-420	NEW	99-13-049	388-820-030	RECOD	99-19-104
388-551-2000	NEW-P	99-11-053	388-557-0100	NEW-P	99-20-111	388-820-035	RECOD	99-19-104
388-551-2000	NEW	99-16-069	388-557-0100	NEW	00-01-088	388-820-040	RECOD	99-19-104
388-551-2010	NEW-P	99-11-053	388-560	PREP	99-20-050	388-820-045	RECOD	99-19-104
388-551-2010	NEW	99-16-069	388-810-005	NEW-P	99-16-098	388-820-050	RECOD	99-19-104
388-551-2020	NEW-P	99-11-053	388-810-005	NEW	99-19-105	388-820-055	RECOD	99-19-104
388-551-2020	NEW	99-16-069	388-810-010	NEW-P	99-16-098	388-820-060	RECOD	99-19-104
388-551-2100	NEW-P	99-11-053	388-810-010	NEW	99-19-105	388-820-065	RECOD	99-19-104
388-551-2100	NEW	99-16-069	388-810-020	NEW-P	99-16-098	388-820-070	RECOD	99-19-104
388-551-2110	NEW-P	99-11-053	388-810-020	NEW	99-19-105	388-820-075	RECOD	99-19-104
388-551-2110	NEW	99-16-069	388-810-030	NEW-P	99-16-098	388-820-080	RECOD	99-19-104
388-551-2120	NEW-P	99-11-053	388-810-030	NEW	99-19-105	388-820-085	RECOD	99-19-104
388-551-2120	NEW	99-16-069	388-810-040	NEW-P	99-16-098	388-820-090	RECOD	99-19-104
388-551-2130	NEW-P	99-11-053	388-810-040	NEW	99-19-105	388-820-095	RECOD	99-19-104
388-551-2130	NEW	99-16-069	388-810-050	NEW-P	99-16-098	388-820-100	RECOD	99-19-104
388-551-2200	NEW-P	99-11-053	388-810-050	NEW	99-19-105	388-820-105	RECOD	99-19-104
388-551-2200	NEW	99-16-069	388-810-060	NEW-P	99-16-098	388-820-110	RECOD	99-19-104
388-551-2210	NEW-P	99-11-053	388-810-060	NEW	99-19-105	388-820-115	RECOD	99-19-104
388-551-2210	NEW	99-16-069	388-810-070	NEW-P	99-16-098	388-820-120	RECOD	99-19-104
388-551-2220	NEW-P	99-11-053	388-810-070	NEW	99-19-105	388-820-125	RECOD	99-19-104

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-840-015	RECOD	99-19-104	388-890-0070	NEW	99-18-053	388-890-0235	NEW-P	99-12-030
388-840-020	RECOD	99-19-104	388-890-0071	NEW	99-18-053	388-890-0235	NEW	99-18-053
388-840-025	RECOD	99-19-104	388-890-0075	NEW-P	99-12-030	388-890-0240	NEW-P	99-12-030
388-850-010	RECOD	99-19-104	388-890-0075	NEW	99-18-053	388-890-0240	NEW	99-18-053
388-850-015	RECOD	99-19-104	388-890-0080	NEW-P	99-12-030	388-890-0245	NEW-P	99-12-030
388-850-020	RECOD	99-19-104	388-890-0080	NEW	99-18-053	388-890-0245	NEW	99-18-053
388-850-025	RECOD	99-19-104	388-890-0085	NEW-P	99-12-030	388-890-0250	NEW-P	99-12-030
388-850-030	RECOD	99-19-104	388-890-0085	NEW	99-18-053	388-890-0250	NEW	99-18-053
388-850-035	RECOD	99-19-104	388-890-0090	NEW-P	99-12-030	388-890-0255	NEW-P	99-12-030
388-850-040	RECOD	99-19-104	388-890-0090	NEW	99-18-053	388-890-0255	NEW	99-18-053
388-850-045	RECOD	99-19-104	388-890-0095	NEW-P	99-12-030	388-890-0260	NEW-P	99-12-030
388-850-050	RECOD	99-19-104	388-890-0095	NEW	99-18-053	388-890-0260	NEW	99-18-053
388-880-005	RECOD	99-21-001	388-890-0100	NEW-P	99-12-030	388-890-0265	NEW-P	99-12-030
388-880-010	RECOD	99-21-001	388-890-0100	NEW	99-18-053	388-890-0265	NEW	99-18-053
388-880-020	RECOD	99-21-001	388-890-0105	NEW-P	99-12-030	388-890-0270	NEW-P	99-12-030
388-880-030	RECOD	99-21-001	388-890-0105	NEW	99-18-053	388-890-0270	NEW	99-18-053
388-880-040	RECOD	99-21-001	388-890-0110	NEW-P	99-12-030	388-890-0275	NEW-P	99-12-030
388-880-050	RECOD	99-21-001	388-890-0110	NEW	99-18-053	388-890-0275	NEW	99-18-053
388-880-060	RECOD	99-21-001	388-890-0115	NEW-P	99-12-030	388-890-0280	NEW-P	99-12-030
388-880-070	RECOD	99-21-001	388-890-0115	NEW	99-18-053	388-890-0280	NEW	99-18-053
388-880-080	RECOD	99-21-001	388-890-0120	NEW-P	99-12-030	388-890-0285	NEW-P	99-12-030
388-880-090	RECOD	99-21-001	388-890-0120	NEW	99-18-053	388-890-0285	NEW	99-18-053
388-880-100	RECOD	99-21-001	388-890-0125	NEW-P	99-12-030	388-890-0290	NEW-P	99-12-030
388-880-110	RECOD	99-21-001	388-890-0125	NEW	99-18-053	388-890-0290	NEW	99-18-053
388-880-120	RECOD	99-21-001	388-890-0130	NEW-P	99-12-030	388-890-0295	NEW-P	99-12-030
388-880-130	RECOD	99-21-001	388-890-0130	NEW	99-18-053	388-890-0295	NEW	99-18-053
388-880-140	RECOD	99-21-001	388-890-0135	NEW-P	99-12-030	388-890-0300	NEW-P	99-12-030
388-885-005	RECOD	99-21-002	388-890-0135	NEW	99-18-053	388-890-0300	NEW	99-18-053
388-885-010	RECOD	99-21-002	388-890-0140	NEW-P	99-12-030	388-890-0305	NEW-P	99-12-030
388-885-015	RECOD	99-21-002	388-890-0140	NEW	99-18-053	388-890-0305	NEW	99-18-053
388-885-020	RECOD	99-21-002	388-890-0145	NEW-P	99-12-030	388-890-0310	NEW-P	99-12-030
388-885-025	RECOD	99-21-002	388-890-0145	NEW	99-18-053	388-890-0310	NEW	99-18-053
388-885-030	RECOD	99-21-002	388-890-0150	NEW-P	99-12-030	388-890-0315	NEW-P	99-12-030
388-885-035	RECOD	99-21-002	388-890-0150	NEW	99-18-053	388-890-0315	NEW	99-18-053
388-885-040	RECOD	99-21-002	388-890-0155	NEW-P	99-12-030	388-890-0320	NEW-P	99-12-030
388-890-0005	NEW-P	99-12-030	388-890-0155	NEW	99-18-053	388-890-0320	NEW	99-18-053
388-890-0005	NEW	99-18-053	388-890-0160	NEW-P	99-12-030	388-890-0325	NEW-P	99-12-030
388-890-0010	NEW-P	99-12-030	388-890-0160	NEW	99-18-053	388-890-0325	NEW	99-18-053
388-890-0010	NEW	99-18-053	388-890-0165	NEW-P	99-12-030	388-890-0330	NEW-P	99-12-030
388-890-0015	NEW-P	99-12-030	388-890-0165	NEW	99-18-053	388-890-0330	NEW	99-18-053
388-890-0015	NEW	99-18-053	388-890-0170	NEW-P	99-12-030	388-890-0335	NEW-P	99-12-030
388-890-0020	NEW-P	99-12-030	388-890-0170	NEW	99-18-053	388-890-0335	NEW	99-18-053
388-890-0020	NEW	99-18-053	388-890-0175	NEW-P	99-12-030	388-890-0340	NEW-P	99-12-030
388-890-0025	NEW-P	99-12-030	388-890-0175	NEW	99-18-053	388-890-0340	NEW	99-18-053
388-890-0025	NEW	99-18-053	388-890-0180	NEW-P	99-12-030	388-890-0345	NEW-P	99-12-030
388-890-0030	NEW-P	99-12-030	388-890-0180	NEW	99-18-053	388-890-0345	NEW	99-18-053
388-890-0030	NEW	99-18-053	388-890-0185	NEW-P	99-12-030	388-890-0350	NEW-P	99-12-030
388-890-0035	NEW-P	99-12-030	388-890-0185	NEW	99-18-053	388-890-0350	NEW	99-18-053
388-890-0035	NEW	99-18-053	388-890-0190	NEW-P	99-12-030	388-890-0355	NEW-P	99-12-030
388-890-0040	NEW-P	99-12-030	388-890-0190	NEW	99-18-053	388-890-0355	NEW	99-18-053
388-890-0040	NEW	99-18-053	388-890-0195	NEW-P	99-12-030	388-890-0360	NEW-P	99-12-030
388-890-0045	NEW-P	99-12-030	388-890-0195	NEW	99-18-053	388-890-0360	NEW	99-18-053
388-890-0045	NEW	99-18-053	388-890-0200	NEW-P	99-12-030	388-890-0365	NEW-P	99-12-030
388-890-0050	NEW-P	99-12-030	388-890-0200	NEW	99-18-053	388-890-0365	NEW	99-18-053
388-890-0050	NEW	99-18-053	388-890-0210	NEW-P	99-12-030	388-890-0370	NEW-P	99-12-030
388-890-0055	NEW-P	99-12-030	388-890-0210	NEW	99-18-053	388-890-0370	NEW	99-18-053
388-890-0055	NEW	99-18-053	388-890-0220	NEW-P	99-12-030	388-890-0375	NEW-P	99-12-030
388-890-0060	NEW-P	99-12-030	388-890-0220	NEW	99-18-053	388-890-0375	NEW	99-18-053
388-890-0060	NEW	99-18-053	388-890-0225	NEW-P	99-12-030	388-890-0380	NEW-P	99-12-030
388-890-0065	NEW-P	99-12-030	388-890-0225	NEW	99-18-053	388-890-0380	NEW	99-18-053
388-890-0065	NEW	99-18-053	388-890-0230	NEW-P	99-12-030	388-890-0385	NEW-P	99-12-030
388-890-0070	NEW-P	99-12-030	388-890-0230	NEW	99-18-053	388-890-0385	NEW	99-18-053

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388-890-0875	NEW	99-18-053	388-890-1135	NEW	99-18-053	388-890-1290	NEW	99-18-053
388-890-0880	NEW-P	99-12-030	388-890-1140	NEW-P	99-12-030	388-890-1295	NEW-P	99-12-030
388-890-0880	NEW	99-18-053	388-890-1140	NEW	99-18-053	388-890-1295	NEW	99-18-053
388-890-0885	NEW-P	99-12-030	388-890-1145	NEW-P	99-12-030	388-890-1300	NEW-P	99-12-030
388-890-0885	NEW	99-18-053	388-890-1145	NEW	99-18-053	388-890-1300	NEW	99-18-053
388-890-0890	NEW-P	99-12-030	388-890-1150	NEW-P	99-12-030	388-890-1305	NEW-P	99-12-030
388-890-0890	NEW	99-18-053	388-890-1150	NEW	99-18-053	388-890-1305	NEW	99-18-053
388-890-0895	NEW-P	99-12-030	388-890-1155	NEW-P	99-12-030	388-890-1310	NEW-P	99-12-030
388-890-0895	NEW	99-18-053	388-890-1155	NEW	99-18-053	388-890-1310	NEW	99-18-053
388-890-1000	NEW-P	99-12-030	388-890-1160	NEW-P	99-12-030	389- 12-020	AMD-P	99-16-034
388-890-1000	NEW	99-18-053	388-890-1160	NEW	99-18-053	389- 12-020	AMD	99-20-082
388-890-1005	NEW-P	99-12-030	388-890-1165	NEW-P	99-12-030	389- 12-030	AMD-P	99-16-034
388-890-1005	NEW	99-18-053	388-890-1165	NEW	99-18-053	389- 12-030	AMD	99-20-082
388-890-1010	NEW-P	99-12-030	388-890-1170	NEW-P	99-12-030	389- 12-040	AMD-P	99-16-034
388-890-1010	NEW	99-18-053	388-890-1170	NEW	99-18-053	389- 12-040	AMD	99-20-082
388-890-1015	NEW-P	99-12-030	388-890-1175	NEW-P	99-12-030	389- 12-050	AMD-P	99-16-034
388-890-1015	NEW	99-18-053	388-890-1175	NEW	99-18-053	389- 12-050	AMD	99-20-082
388-890-1020	NEW-P	99-12-030	388-890-1180	NEW-P	99-12-030	389- 12-060	AMD-P	99-16-034
388-890-1020	NEW	99-18-053	388-890-1180	NEW	99-18-053	389- 12-060	AMD	99-20-082
388-890-1025	NEW-P	99-12-030	388-890-1185	NEW-P	99-12-030	389- 12-065	AMD-P	99-16-034
388-890-1025	NEW	99-18-053	388-890-1185	NEW	99-18-053	389- 12-065	AMD	99-20-082
388-890-1030	NEW-P	99-12-030	388-890-1190	NEW-P	99-12-030	389- 12-071	AMD-P	99-16-034
388-890-1030	NEW	99-18-053	388-890-1190	NEW	99-18-053	389- 12-071	AMD	99-20-082
388-890-1035	NEW-P	99-12-030	388-890-1195	NEW-P	99-12-030	389- 12-075	AMD-P	99-16-034
388-890-1035	NEW	99-18-053	388-890-1195	NEW	99-18-053	389- 12-075	AMD	99-20-082
388-890-1040	NEW-P	99-12-030	388-890-1200	NEW-P	99-12-030	389- 12-080	AMD-P	99-16-034
388-890-1040	NEW	99-18-053	388-890-1200	NEW	99-18-053	389- 12-080	AMD	99-20-082
388-890-1045	NEW-P	99-12-030	388-890-1205	NEW-P	99-12-030	389- 12-140	AMD-P	99-16-034
388-890-1045	NEW	99-18-053	388-890-1205	NEW	99-18-053	389- 12-140	AMD	99-20-082
388-890-1050	NEW-P	99-12-030	388-890-1210	NEW-P	99-12-030	389- 12-210	AMD-P	99-16-034
388-890-1050	NEW	99-18-053	388-890-1210	NEW	99-18-053	389- 12-210	AMD	99-20-082
388-890-1055	NEW-P	99-12-030	388-890-1215	NEW-P	99-12-030	389- 12-220	AMD-P	99-16-034
388-890-1055	NEW	99-18-053	388-890-1215	NEW	99-18-053	389- 12-220	AMD	99-20-082
388-890-1060	NEW-P	99-12-030	388-890-1220	NEW-P	99-12-030	389- 12-230	AMD-P	99-16-034
388-890-1060	NEW	99-18-053	388-890-1220	NEW	99-18-053	389- 12-230	AMD	99-20-082
388-890-1065	NEW-P	99-12-030	388-890-1225	NEW-P	99-12-030	390- 05-400	PREP	99-22-080
388-890-1065	NEW	99-18-053	388-890-1225	NEW	99-18-053	390- 05-400	AMD-P	00-01-140A
388-890-1070	NEW-P	99-12-030	388-890-1230	NEW-P	99-12-030	390- 12-255	PREP	99-06-050
388-890-1070	NEW	99-18-053	388-890-1230	NEW	99-18-053	390- 12-255	AMD-P	99-09-062
388-890-1075	NEW-P	99-12-030	388-890-1235	NEW-P	99-12-030	390- 12-255	AMD	99-12-056
388-890-1075	NEW	99-18-053	388-890-1235	NEW	99-18-053	390- 14-015	PREP	99-06-051
388-890-1080	NEW-P	99-12-030	388-890-1240	NEW-P	99-12-030	390- 14-015	AMD-P	99-09-063
388-890-1080	NEW	99-18-053	388-890-1240	NEW	99-18-053	390- 14-015	AMD	99-12-057
388-890-1085	NEW-P	99-12-030	388-890-1245	NEW-P	99-12-030	390- 14-020	PREP	99-06-052
388-890-1085	NEW	99-18-053	388-890-1245	NEW	99-18-053	390- 14-020	AMD-P	99-09-064
388-890-1090	NEW-P	99-12-030	388-890-1250	NEW-P	99-12-030	390- 14-020	AMD	99-12-058
388-890-1090	NEW	99-18-053	388-890-1250	NEW	99-18-053	390- 14-025	PREP	99-06-053
388-890-1095	NEW-P	99-12-030	388-890-1255	NEW-P	99-12-030	390- 14-025	AMD-P	99-09-065
388-890-1095	NEW	99-18-053	388-890-1255	NEW	99-18-053	390- 14-025	AMD	99-12-059
388-890-1100	NEW-P	99-12-030	388-890-1260	NEW-P	99-12-030	390- 14-030	PREP	99-06-054
388-890-1100	NEW	99-18-053	388-890-1260	NEW	99-18-053	390- 14-030	AMD-P	99-09-066
388-890-1110	NEW-P	99-12-030	388-890-1265	NEW-P	99-12-030	390- 14-030	AMD	99-12-060
388-890-1110	NEW	99-18-053	388-890-1265	NEW	99-18-053	390- 14-035	PREP	99-06-055
388-890-1115	NEW-P	99-12-030	388-890-1270	NEW-P	99-12-030	390- 14-035	AMD-P	99-09-067
388-890-1115	NEW	99-18-053	388-890-1270	NEW	99-18-053	390- 14-035	AMD	99-12-061
388-890-1120	NEW-P	99-12-030	388-890-1275	NEW-P	99-12-030	390- 14-040	PREP	99-06-056
388-890-1120	NEW	99-18-053	388-890-1275	NEW	99-18-053	390- 14-040	AMD-P	99-09-068
388-890-1125	NEW-P	99-12-030	388-890-1280	NEW-P	99-12-030	390- 14-040	AMD	99-12-062
388-890-1125	NEW	99-18-053	388-890-1280	NEW	99-18-053	390- 14-045	PREP	99-06-057
388-890-1130	NEW-P	99-12-030	388-890-1285	NEW-P	99-12-030	390- 14-045	AMD-P	99-09-069
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388-890-1135	NEW-P	99-12-030	388-890-1290	NEW-P	99-12-030	390- 14-055	PREP	99-06-058

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390-14-055	REP	99-12-051	391-55-020	NEW-P	99-10-107	391-65-001	AMD	99-14-060
390-14-100	PREP	99-06-059	391-55-020	NEW	99-14-060	391-65-002	AMD-P	99-10-107
390-14-100	AMD-P	99-09-070	391-55-030	AMD-P	99-10-107	391-65-002	AMD	99-14-060
390-14-100	AMD	99-12-064	391-55-030	AMD	99-14-060	391-65-010	AMD-P	99-10-107
390-14-105	PREP	99-06-060	391-55-032	AMD-P	99-10-107	391-65-010	AMD	99-14-060
390-14-105	REP-P	99-09-058	391-55-032	AMD	99-14-060	391-65-030	AMD-P	99-10-107
390-14-105	REP	99-12-052	391-55-050	AMD-P	99-10-107	391-65-030	AMD	99-14-060
390-14-110	PREP	99-06-061	391-55-050	AMD	99-14-060	391-65-050	AMD-P	99-10-107
390-14-110	AMD-P	99-09-071	391-55-070	AMD-P	99-10-107	391-65-050	AMD	99-14-060
390-14-110	AMD	99-12-065	391-55-070	AMD	99-14-060	391-65-070	AMD-P	99-10-107
390-16-011	PREP	99-16-044	391-55-071	AMD-P	99-10-107	391-65-070	AMD	99-14-060
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392-172-200	AMD	99-24-137	392-172-309	NEW	99-24-137	392-172-373	NEW	99-24-137
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392-172-37505	NEW-P	99-17-101	392-172-420	AMD-P	99-17-101	392-172-570	REP-P	99-17-101
392-172-37505	NEW	99-24-137	392-172-420	AMD	99-24-137	392-172-570	REP	99-24-137
392-172-37510	NEW-P	99-17-101	392-172-422	AMD-P	99-17-101	392-172-574	AMD-P	99-17-101
392-172-37510	NEW	99-24-137	392-172-422	AMD	99-24-137	392-172-574	AMD	99-24-137
392-172-376	REP-P	99-17-101	392-172-424	AMD-P	99-17-101	392-172-576	NEW-P	99-17-101
392-172-376	REP	99-24-137	392-172-424	AMD	99-24-137	392-172-576	NEW	99-24-137
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392-172-379	NEW	99-24-137	392-172-502	AMD	99-24-137	392-172-57900	NEW	99-24-137
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392-172-381	NEW	99-24-137	392-172-50305	NEW	99-24-137	392-172-582	AMD	99-24-137
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392-172-382	REP	99-24-137	392-172-504	AMD	99-24-137	392-172-583	NEW	99-24-137
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392-172-38300	NEW	99-24-137	392-172-506	AMD	99-24-137	392-172-584	AMD	99-24-137
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392-172-38305	NEW	99-24-137	392-172-507	NEW	99-24-137	392-172-585	NEW	99-24-137
392-172-38310	NEW-P	99-17-101	392-172-510	AMD-P	99-17-101	392-172-588	AMD-P	99-17-101
392-172-38310	NEW	99-24-137	392-172-510	AMD	99-24-137	392-172-588	AMD	99-24-137
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392-172-38405	NEW	99-24-137	392-172-512	AMD	99-24-137	392-172-592	REP	99-24-137
392-172-38410	NEW-P	99-17-101	392-172-514	AMD-P	99-17-101	392-172-594	REP-P	99-17-101
392-172-38410	NEW	99-24-137	392-172-514	AMD	99-24-137	392-172-594	REP	99-24-137
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392-172-385	NEW	99-24-137	392-172-520	AMD	99-24-137	392-172-600	NEW	99-24-137
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392-172-388	AMD	99-24-137	392-172-526	AMD	99-24-137	392-172-605	NEW	99-24-137
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392-172-390	AMD	99-24-137	392-172-550	AMD	99-24-137	392-172-610	NEW	99-24-137
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392-172-392	AMD	99-24-137	392-172-552	AMD	99-24-137	392-172-615	NEW	99-24-137
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392-172-394	AMD	99-24-137	392-172-553	NEW	99-24-137	392-172-620	NEW	99-24-137
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392-172-396	AMD	99-24-137	392-172-554	REP	99-24-137	392-172-625	NEW	99-24-137
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392-172-398	REP	99-24-137	392-172-556	REP	99-24-137	392-172-630	NEW	99-24-137
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392-172-408	AMD	99-24-137	392-172-561	NEW	99-24-137	392-172-650	NEW	99-24-137
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392-172-410	AMD	99-24-137	392-172-562	REP	99-24-137	392-172-655	NEW	99-24-137
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434-219-180	AMD-S	99-22-074	434-260-145	NEW-P	99-07-043	434-334-055	AMD	99-08-115
434-219-185	NEW-P	99-18-076	434-260-145	NEW	99-12-004	434-334-063	NEW-P	99-05-034
434-219-185	NEW-S	99-22-074	434-260-150	AMD-P	99-07-043	434-334-063	NEW	99-08-115
434-219-210	AMD-P	99-18-076	434-260-150	AMD	99-12-004	434-334-065	AMD-P	99-05-034
434-219-210	AMD-S	99-22-074	434-260-160	AMD-P	99-07-043	434-334-065	AMD	99-08-115
434-219-220	AMD-P	99-18-076	434-260-160	AMD	99-12-004	434-334-070	AMD-P	99-05-034
434-219-220	AMD-S	99-22-074	434-260-170	AMD-P	99-07-043	434-334-070	AMD	99-08-115
434-219-230	AMD-P	99-18-076	434-260-170	AMD	99-12-004	434-334-075	AMD-P	99-05-034
434-219-230	AMD-S	99-22-074	434-260-180	REP-P	99-07-043	434-334-075	AMD	99-08-115
434-219-240	AMD-P	99-18-076	434-260-180	REP	99-12-004	434-334-080	AMD-P	99-05-034
434-219-240	AMD-S	99-22-074	434-260-190	AMD-P	99-07-043	434-334-080	DECOD-P	99-05-034
434-219-250	AMD-P	99-18-076	434-260-190	AMD	99-12-004	434-334-080	AMD	99-08-115
434-219-250	AMD-S	99-22-074	434-260-200	AMD-P	99-07-043	434-334-080	DECOD	99-08-115
434-219-255	NEW-P	99-18-076	434-260-200	AMD	99-12-004	434-334-082	NEW-P	99-05-034
434-219-255	NEW-S	99-22-074	434-260-210	REP-P	99-07-043	434-334-082	NEW	99-08-115
434-219-260	AMD-P	99-18-076	434-260-210	REP	99-12-004	434-334-085	AMD-P	99-05-034
434-219-260	AMD-S	99-22-074	434-260-215	REP-P	99-07-043	434-334-085	AMD	99-08-115
434-219-270	AMD-P	99-18-076	434-260-215	REP	99-12-004	434-334-090	AMD-P	99-05-034
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434-334-095	AMD-P	99-05-034	440- 25-090	REP	99-19-105	456- 12-010	REP	99-13-098
434-334-095	AMD	99-08-115	440- 25-100	REP-P	99-16-098	456- 12-015	NEW-P	99-08-091
434-334-100	AMD-P	99-05-034	440- 25-100	REP	99-19-105	456- 12-015	NEW	99-13-098
434-334-100	AMD	99-08-115	440- 25-110	REP-P	99-16-098	456- 12-020	REP-P	99-08-091
434-334-105	AMD-P	99-05-034	440- 25-110	REP	99-19-105	456- 12-020	REP	99-13-098
434-334-105	AMD	99-08-115	440- 25-120	REP-P	99-16-098	456- 12-025	NEW-P	99-08-091
434-334-110	AMD-P	99-05-034	440- 25-120	REP	99-19-105	456- 12-025	NEW	99-13-098
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434-334-110	AMD-E	00-01-017	440- 26-010	DECOD	99-20-023	456- 12-030	REP	99-13-098
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434-334-125	NEW	99-08-115	440- 26-130	DECOD	99-20-023	456- 12-045	NEW	99-13-098
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434-334-130	NEW	99-08-115	440- 26-200	DECOD	99-20-023	456- 12-055	NEW-P	99-08-091
434-334-135	NEW-P	99-05-034	440- 26-205	DECOD	99-20-023	456- 12-055	NEW	99-13-098
434-334-135	NEW	99-08-115	440- 26-210	DECOD	99-20-023	456- 12-060	REP-P	99-08-091
434-334-140	NEW-P	99-05-034	440- 26-215	DECOD	99-20-023	456- 12-060	REP	99-13-098
434-334-140	NEW	99-08-115	440- 26-220	DECOD	99-20-023	456- 12-065	NEW-P	99-08-091
434-334-140	AMD-E	00-01-017	440- 26-230	DECOD	99-20-023	456- 12-065	NEW	99-13-098
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434-334-160	NEW	99-08-115	446- 16-080	AMD-P	99-03-080	456- 12-085	NEW	99-13-098
434-334-160	AMD-E	00-01-017	446- 16-080	AMD	99-07-051	456- 12-090	REP-P	99-08-091
434-334-165	NEW-P	99-05-034	446- 16-100	AMD-P	99-03-080	456- 12-090	REP	99-13-098
434-334-165	NEW	99-08-115	446- 16-100	AMD	99-07-051	456- 12-095	NEW-P	99-08-091
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440- 25-005	REP	99-19-105	448- 13-060	AMD-XA	99-10-019	456- 12-120	REP	99-13-098
440- 25-010	REP-P	99-16-098	448- 13-060	AMD-S	99-17-063	456- 12-130	REP-P	99-08-091
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458-12-315	PREP	99-24-037	458-20-13601	NEW-E	99-20-003	458-50-050	REP	99-08-006
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458-12-330	REP-P	99-18-110	458-20-195	AMD	99-13-053	458-57-045	NEW-P	99-11-104
458-12-330	REP	00-01-043	458-20-206	REP-XR	99-04-019	458-57-045	NEW	99-15-095
458-12-335	PREP	99-05-069	458-20-206	REP	99-08-005	458-57-510	REP-P	99-11-104
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458-12-335	REP	00-01-043	458-20-207	AMD	99-13-092	458-57-520	REP-P	99-11-104
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458-12-336	REP-P	99-18-110	458-20-216	AMD	99-08-034	458-57-530	REP-P	99-11-104
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458- 65-030	REP-XR	99-04-018	468- 34-120	AMD-W	99-08-082	468- 70-030	AMD-P	99-23-011
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460- 24A-145	NEW	99-03-052	468- 51-030	AMD	99-06-034	468-300-040	AMD	99-08-066
460- 24A-150	AMD-P	99-21-072	468- 51-040	AMD	99-06-034	468-300-220	AMD-P	99-05-035
460- 24A-150	AMD	00-01-001	468- 51-060	AMD	99-06-034	468-300-220	AMD	99-08-066
460- 24A-220	AMD	99-03-051	468- 51-070	AMD	99-06-034	468-300-220	AMD	99-07-059
460- 28A-015	AMD	99-03-053	468- 51-080	AMD	99-06-034	468-310-010	AMD	99-03-025
460- 44A-500	AMD-P	99-24-059	468- 51-090	AMD	99-06-034	468-310-020	AMD	99-03-025
460- 44A-504	AMD-P	99-24-059	468- 51-100	AMD	99-06-034	468-310-050	AMD	99-03-025
460- 46A-010	REP-XR	99-24-058	468- 51-105	NEW	99-06-034	468-310-060	AMD	99-03-025
460- 46A-020	REP-XR	99-24-058	468- 51-110	AMD	99-06-034	468-310-100	AMD	99-03-025
460- 46A-025	REP-XR	99-24-058	468- 51-120	AMD	99-06-034	468-500-001	AMD-XA	99-06-004
460- 46A-030	REP-XR	99-24-058	468- 51-130	AMD	99-06-034	468-500-001	AMD	99-11-007
460- 46A-040	REP-XR	99-24-058	468- 51-140	AMD	99-06-034	468-550	PREP	99-11-026
460- 46A-050	REP-XR	99-24-058	468- 51-150	AMD	99-06-034	468-550-030	AMD-P	99-15-011
460- 46A-055	REP-XR	99-24-058	468- 52-020	AMD	99-06-035	468-550-030	AMD	99-18-059
460- 46A-061	REP-XR	99-24-058	468- 52-030	AMD	99-06-035	468-550-040	AMD-P	99-15-011
460- 46A-065	REP-XR	99-24-058	468- 52-040	AMD	99-06-035	468-550-040	AMD	99-18-059
460- 46A-071	REP-XR	99-24-058	468- 52-050	AMD	99-06-035	468-550-060	AMD-P	99-15-011
460- 46A-072	REP-XR	99-24-058	468- 52-060	AMD	99-06-035	468-550-060	AMD	99-18-059
460- 46A-090	REP-XR	99-24-058	468- 52-070	AMD	99-06-035	468-550-070	AMD-P	99-15-011
460- 46A-091	REP-XR	99-24-058	468- 54	PREP	99-10-029	468-550-070	AMD	99-18-059
460- 46A-092	REP-XR	99-24-058	468- 58	PREP	99-10-030	468-550-080	NEW-P	99-15-011
460- 46A-095	REP-XR	99-24-058	468- 66	PREP	99-17-079	468-550-080	NEW	99-18-059
460- 46A-100	REP-XR	99-24-058	468- 66	AMD-C	99-23-036	474- 02-010	PREP	99-16-021
460- 46A-105	REP-XR	99-24-058	468- 66-030	AMD-E	99-18-096	474- 02-010	AMD-P	99-23-093
460- 46A-110	REP-XR	99-24-058	468- 66-030	AMD-P	99-20-065	474- 02-020	AMD-P	99-23-093
460- 46A-115	REP-XR	99-24-058	468- 66-030	AMD	99-24-083	474- 10-010	NEW	99-03-004
460- 46A-145	REP-XR	99-24-058	468- 66-050	AMD-E	99-18-096	474- 10-020	NEW	99-03-004
460- 46A-150	REP-XR	99-24-058	468- 66-050	AMD-P	99-20-065	474- 10-030	NEW	99-03-004
460- 46A-155	REP-XR	99-24-058	468- 66-050	AMD	99-24-083	474- 10-040	NEW	99-03-004
460- 46A-160	REP-XR	99-24-058	468- 66-070	AMD-E	99-18-096	474- 10-050	NEW	99-03-004
460- 46A-165	REP-XR	99-24-058	468- 66-070	AMD-P	99-20-065	474- 10-060	NEW	99-03-004
461- 08-355	AMD-P	99-19-121	468- 66-070	AMD	99-24-083	474- 10-070	NEW	99-03-004
461- 08-355	AMD	99-23-038	468- 66-110	AMD-E	99-18-096	474- 10-080	NEW	99-03-004
461- 08-360	REP-P	99-19-121	468- 66-110	AMD-P	99-20-065	474- 10-090	NEW	99-03-004
461- 08-360	REP	99-23-038	468- 66-110	AMD	99-24-083	474- 10-100	NEW	99-03-004
461- 08-555	AMD-P	99-19-121	468- 66-140	AMD-E	99-18-096	478-132-010	AMD-XA	99-20-086
461- 08-555	AMD	99-23-038	468- 66-140	AMD-P	99-20-065	478-132-030	AMD-XA	99-20-086
468- 06-040	AMD-XA	99-02-065	468- 66-140	AMD	99-24-083	478-140	AMD-P	99-08-056

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478-140-010	AMD-P	99-08-056	479-02-050	AMD	99-24-038	479-05-190	NEW-P	99-20-143
478-140-010	AMD	99-12-110	479-02-060	AMD-E	99-19-006	479-05-190	NEW	99-24-038
478-140-015	AMD-P	99-08-056	479-02-060	AMD-P	99-20-143	479-05-200	NEW-E	99-19-006
478-140-015	AMD	99-12-110	479-02-060	AMD	99-24-038	479-05-200	NEW-P	99-20-143
478-140-018	AMD-P	99-08-056	479-02-110	AMD-E	99-19-006	479-05-200	NEW	99-24-038
478-140-018	AMD	99-12-110	479-02-110	AMD-P	99-20-143	479-05-210	NEW-E	99-19-006
478-140-019	NEW-P	99-08-056	479-02-110	AMD	99-24-038	479-05-210	NEW-P	99-20-143
478-140-019	NEW	99-12-110	479-05-010	NEW-E	99-19-006	479-05-210	NEW	99-24-038
478-140-021	AMD-P	99-08-056	479-05-010	NEW-P	99-20-143	479-05-220	NEW-E	99-19-006
478-140-021	AMD	99-12-110	479-05-010	NEW	99-24-038	479-05-220	NEW-P	99-20-143
478-140-024	AMD-P	99-08-056	479-05-020	NEW-E	99-19-006	479-05-220	NEW	99-24-038
478-140-024	AMD	99-12-110	479-05-020	NEW-P	99-20-143	479-05-230	NEW-E	99-19-006
478-140-050	AMD-P	99-08-056	479-05-020	NEW	99-24-038	479-05-230	NEW-P	99-20-143
478-140-050	AMD	99-12-110	479-05-030	NEW-E	99-19-006	479-05-230	NEW	99-24-038
478-140-060	REP-P	99-08-056	479-05-030	NEW-P	99-20-143	479-05-240	NEW-E	99-19-006
478-140-060	REP	99-12-110	479-05-030	NEW	99-24-038	479-05-240	NEW-P	99-20-143
478-140-070	AMD-P	99-08-056	479-05-040	NEW-E	99-19-006	479-05-240	NEW	99-24-038
478-140-070	AMD	99-12-110	479-05-040	NEW-P	99-20-143	479-05-250	NEW-E	99-19-006
478-140-080	NEW-P	99-08-056	479-05-040	NEW	99-24-038	479-05-250	NEW-P	99-20-143
478-140-080	NEW	99-12-110	479-05-050	NEW-E	99-19-006	479-05-250	NEW	99-24-038
478-210-010	REP	99-06-033	479-05-050	NEW-P	99-20-143	479-05-260	NEW-E	99-19-006
478-210-020	REP	99-06-033	479-05-050	NEW	99-24-038	479-05-260	NEW-P	99-20-143
478-324-020	AMD-XA	99-19-096	479-05-060	NEW-E	99-19-006	479-05-260	NEW	99-24-038
478-324-030	AMD-XA	99-19-096	479-05-060	NEW-P	99-20-143	479-05-270	NEW-E	99-19-006
478-324-040	AMD-XA	99-19-096	479-05-060	NEW	99-24-038	479-05-270	NEW-P	99-20-143
478-324-045	NEW-XA	99-19-096	479-05-070	NEW-E	99-19-006	479-05-270	NEW	99-24-038
478-324-050	REP-XA	99-19-096	479-05-070	NEW-P	99-20-143	479-05-280	NEW-E	99-19-006
478-324-060	AMD-XA	99-19-096	479-05-070	NEW	99-24-038	479-05-280	NEW-P	99-20-143
478-324-070	AMD-XA	99-19-096	479-05-080	NEW-E	99-19-006	479-05-280	NEW	99-24-038
478-324-090	AMD-XA	99-19-096	479-05-080	NEW-P	99-20-143	479-05-290	NEW-E	99-19-006
478-324-110	AMD-XA	99-19-096	479-05-080	NEW	99-24-038	479-05-290	NEW-P	99-20-143
478-324-120	AMD-XA	99-19-096	479-05-090	NEW-E	99-19-006	479-05-290	NEW	99-24-038
478-324-130	AMD-XA	99-19-096	479-05-090	NEW-P	99-20-143	479-12-005	AMD-E	99-19-006
478-324-140	AMD-XA	99-19-096	479-05-090	NEW	99-24-038	479-12-005	AMD-P	99-20-143
478-324-150	AMD-XA	99-19-096	479-05-100	NEW-E	99-19-006	479-12-005	AMD	99-24-038
478-324-170	AMD-XA	99-19-096	479-05-100	NEW-P	99-20-143	479-12-008	AMD-E	99-19-006
478-324-180	AMD-XA	99-19-096	479-05-100	NEW	99-24-038	479-12-008	AMD-P	99-20-143
478-324-190	AMD-XA	99-19-096	479-05-110	NEW-E	99-19-006	479-12-008	AMD	99-24-038
478-324-200	AMD-XA	99-19-096	479-05-110	NEW-P	99-20-143	479-12-008	AMD-E	99-19-006
478-324-210	AMD-XA	99-19-096	479-05-110	NEW	99-24-038	479-12-010	AMD-E	99-19-006
479-01-010	AMD-E	99-19-006	479-05-120	NEW-E	99-19-006	479-12-010	REP-P	99-20-143
479-01-010	AMD-P	99-20-143	479-05-120	NEW-P	99-20-143	479-12-010	REP	99-24-038
479-01-010	AMD	99-24-038	479-05-120	NEW	99-24-038	479-12-011	NEW-P	99-20-143
479-01-020	AMD-P	99-20-143	479-05-130	NEW-E	99-19-006	479-12-011	NEW	99-24-038
479-01-020	AMD	99-24-038	479-05-130	NEW-P	99-20-143	479-12-020	REP-E	99-19-006
479-01-040	AMD-E	99-19-006	479-05-130	NEW	99-24-038	479-12-020	REP-P	99-20-143
479-01-040	AMD-P	99-20-143	479-05-140	NEW-E	99-19-006	479-12-020	REP	99-24-038
479-01-040	AMD	99-24-038	479-05-140	NEW-P	99-20-143	479-12-100	NEW-E	99-19-006
479-01-050	AMD-E	99-19-006	479-05-140	NEW	99-24-038	479-12-100	NEW-P	99-20-143
479-01-050	AMD-P	99-20-143	479-05-150	NEW-E	99-19-006	479-12-100	NEW	99-24-038
479-01-050	AMD	99-24-038	479-05-150	NEW-P	99-20-143	479-12-110	NEW-E	99-19-006
479-02-010	AMD-E	99-19-006	479-05-150	NEW	99-24-038	479-12-110	NEW-P	99-20-143
479-02-010	AMD-P	99-20-143	479-05-160	NEW-E	99-19-006	479-12-110	NEW	99-24-038
479-02-010	AMD	99-24-038	479-05-160	NEW-P	99-20-143	479-12-120	NEW-E	99-19-006
479-02-020	REP-E	99-19-006	479-05-160	NEW	99-24-038	479-12-120	NEW-P	99-20-143
479-02-020	REP-P	99-20-143	479-05-170	NEW-E	99-19-006	479-12-120	NEW	99-24-038
479-02-020	REP	99-24-038	479-05-170	NEW-P	99-20-143	479-12-130	NEW-E	99-19-006
479-02-030	REP-E	99-19-006	479-05-170	NEW	99-24-038	479-12-130	NEW-P	99-20-143
479-02-030	REP-P	99-20-143	479-05-180	NEW-E	99-19-006	479-12-140	NEW-E	99-19-006
479-02-030	REP	99-24-038	479-05-180	NEW-P	99-20-143	479-12-140	NEW-P	99-20-143
479-02-050	AMD-E	99-19-006	479-05-180	NEW	99-24-038	479-12-140	NEW	99-24-038

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479- 12-150	NEW-E	99-19-006	479- 13-011	REP	99-24-038	479- 15-110	NEW-P	99-20-143
479- 12-150	NEW-P	99-20-143	479- 13-025	REP-E	99-19-006	479- 15-110	NEW	99-24-038
479- 12-150	NEW	99-24-038	479- 13-025	REP-P	99-20-143	479- 15-120	NEW-E	99-19-006
479- 12-200	NEW-E	99-19-006	479- 13-025	REP	99-24-038	479- 15-120	NEW-P	99-20-143
479- 12-200	NEW-P	99-20-143	479- 13-035	REP-E	99-19-006	479- 15-120	NEW	99-24-038
479- 12-200	NEW	99-24-038	479- 13-035	REP-P	99-20-143	479- 15-130	NEW-E	99-19-006
479- 12-210	NEW-E	99-19-006	479- 13-035	REP	99-24-038	479- 15-130	NEW-P	99-20-143
479- 12-210	NEW-P	99-20-143	479- 13-070	REP-E	99-19-006	479- 15-130	NEW	99-24-038
479- 12-210	NEW	99-24-038	479- 13-070	REP-P	99-20-143	479- 15-140	NEW-E	99-19-006
479- 12-220	NEW-E	99-19-006	479- 13-070	REP	99-24-038	479- 15-140	NEW-P	99-20-143
479- 12-220	NEW-P	99-20-143	479- 14-005	NEW-E	99-19-006	479- 15-140	NEW	99-24-038
479- 12-220	NEW	99-24-038	479- 14-005	NEW-P	99-20-143	479- 16-010	REP-E	99-19-006
479- 12-230	NEW-E	99-19-006	479- 14-005	NEW	99-24-038	479- 16-010	REP-P	99-20-143
479- 12-230	NEW-P	99-20-143	479- 14-008	NEW-E	99-19-006	479- 16-010	REP	99-24-038
479- 12-230	NEW	99-24-038	479- 14-008	NEW-P	99-20-143	479- 16-015	REP-E	99-19-006
479- 12-240	NEW-E	99-19-006	479- 14-008	NEW	99-24-038	479- 16-015	REP-P	99-20-143
479- 12-240	NEW-P	99-20-143	479- 14-010	NEW-E	99-19-006	479- 16-015	REP	99-24-038
479- 12-240	NEW	99-24-038	479- 14-010	NEW-P	99-20-143	479- 16-016	REP-E	99-19-006
479- 12-250	NEW-E	99-19-006	479- 14-010	NEW	99-24-038	479- 16-016	REP-P	99-20-143
479- 12-250	NEW-P	99-20-143	479- 14-100	NEW-E	99-19-006	479- 16-016	REP	99-24-038
479- 12-250	NEW	99-24-038	479- 14-100	NEW-P	99-20-143	479- 16-020	AMD-P	99-03-089
479- 12-260	NEW-E	99-19-006	479- 14-100	NEW	99-24-038	479- 16-020	AMD	99-08-021
479- 12-260	NEW-P	99-20-143	479- 14-110	NEW-E	99-19-006	479- 16-020	REP-E	99-19-006
479- 12-260	NEW	99-24-038	479- 14-110	NEW-P	99-20-143	479- 16-020	REP-P	99-20-143
479- 12-300	NEW-E	99-19-006	479- 14-110	NEW	99-24-038	479- 16-020	REP	99-24-038
479- 12-300	NEW-P	99-20-143	479- 14-120	NEW-E	99-19-006	479- 16-030	REP-E	99-19-006
479- 12-300	NEW	99-24-038	479- 14-120	NEW-P	99-20-143	479- 16-030	REP-P	99-20-143
479- 12-310	NEW-E	99-19-006	479- 14-120	NEW	99-24-038	479- 16-030	REP	99-24-038
479- 12-310	NEW-P	99-20-143	479- 14-130	NEW-E	99-19-006	479- 16-035	REP-E	99-19-006
479- 12-310	NEW	99-24-038	479- 14-130	NEW-P	99-20-143	479- 16-035	REP-P	99-20-143
479- 12-340	NEW-E	99-19-006	479- 14-130	NEW	99-24-038	479- 16-035	REP	99-24-038
479- 12-340	NEW-P	99-20-143	479- 14-140	NEW-E	99-19-006	479- 16-040	AMD-P	99-03-089
479- 12-340	NEW	99-24-038	479- 14-140	NEW-P	99-20-143	479- 16-040	AMD	99-08-021
479- 12-350	NEW-E	99-19-006	479- 14-140	NEW	99-24-038	479- 16-040	REP-E	99-19-006
479- 12-350	NEW-P	99-20-143	479- 14-150	NEW-E	99-19-006	479- 16-040	REP-P	99-20-143
479- 12-350	NEW	99-24-038	479- 14-150	NEW-P	99-20-143	479- 16-040	REP	99-24-038
479- 12-360	NEW-E	99-19-006	479- 14-150	NEW	99-24-038	479- 16-045	REP-E	99-19-006
479- 12-360	NEW-P	99-20-143	479- 14-160	NEW-E	99-19-006	479- 16-045	REP-P	99-20-143
479- 12-360	NEW	99-24-038	479- 14-160	NEW-P	99-20-143	479- 16-045	REP	99-24-038
479- 12-370	NEW-E	99-19-006	479- 14-160	NEW	99-24-038	479- 16-050	REP-E	99-19-006
479- 12-370	NEW-P	99-20-143	479- 14-170	NEW-E	99-19-006	479- 16-050	REP-P	99-20-143
479- 12-370	NEW	99-24-038	479- 14-170	NEW-P	99-20-143	479- 16-050	REP	99-24-038
479- 12-400	NEW-E	99-19-006	479- 14-170	NEW	99-24-038	479- 16-060	REP-E	99-19-006
479- 12-400	NEW-P	99-20-143	479- 14-180	NEW-E	99-19-006	479- 16-060	REP-P	99-20-143
479- 12-400	NEW	99-24-038	479- 14-180	NEW-P	99-20-143	479- 16-060	REP	99-24-038
479- 12-410	NEW-E	99-19-006	479- 14-180	NEW	99-24-038	479- 16-080	REP-E	99-19-006
479- 12-410	NEW-P	99-20-143	479- 14-190	NEW-E	99-19-006	479- 16-080	REP-P	99-20-143
479- 12-410	NEW	99-24-038	479- 14-190	NEW-P	99-20-143	479- 16-080	REP	99-24-038
479- 12-420	NEW-E	99-19-006	479- 14-190	NEW	99-24-038	479- 16-085	REP-E	99-19-006
479- 12-420	NEW-P	99-20-143	479- 15-005	NEW-E	99-19-006	479- 16-085	REP-P	99-20-143
479- 12-420	NEW	99-24-038	479- 15-005	NEW-P	99-20-143	479- 16-085	REP	99-24-038
479- 12-430	NEW-E	99-19-006	479- 15-005	NEW	99-24-038	479- 16-098	AMD-P	99-03-089
479- 12-430	NEW-P	99-20-143	479- 15-008	NEW-E	99-19-006	479- 16-098	AMD	99-08-021
479- 12-430	NEW	99-24-038	479- 15-008	NEW-P	99-20-143	479- 16-098	REP-E	99-19-006
479- 12-440	NEW-E	99-19-006	479- 15-008	NEW	99-24-038	479- 16-098	REP-P	99-20-143
479- 12-440	NEW-P	99-20-143	479- 15-010	NEW-E	99-19-006	479- 16-098	REP	99-24-038
479- 12-440	NEW	99-24-038	479- 15-010	NEW-P	99-20-143	479- 17-100	NEW-E	99-19-006
479- 13-010	REP-E	99-19-006	479- 15-010	NEW	99-24-038	479- 17-100	NEW-P	99-20-143
479- 13-010	REP-P	99-20-143	479- 15-100	NEW-E	99-19-006	479- 17-100	NEW	99-24-038
479- 13-010	REP	99-24-038	479- 15-100	NEW-P	99-20-143	479- 17-200	NEW-E	99-19-006
479- 13-011	REP-E	99-19-006	479- 15-100	NEW	99-24-038	479- 17-200	NEW-P	99-20-143
479- 13-011	REP-P	99-20-143	479- 15-110	NEW-E	99-19-006	479- 17-200	NEW	99-24-038

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479- 17-300	NEW-E	99-19-006	479- 24-050	REP	99-24-038	479-116-050	REP	99-24-038
479- 17-300	NEW-P	99-20-143	479- 24-070	REP-P	99-20-143	479-116-060	REP-P	99-20-143
479- 17-300	NEW	99-24-038	479- 24-070	REP	99-24-038	479-116-060	REP	99-24-038
479- 17-400	NEW-E	99-19-006	479-112-001	REP-E	99-19-006	479-116-070	REP-P	99-20-143
479- 17-400	NEW-P	99-20-143	479-112-001	REP-P	99-20-143	479-116-070	REP	99-24-038
479- 17-400	NEW	99-24-038	479-112-001	REP	99-24-038	479-116-080	REP-P	99-20-143
479- 20-007	AMD-P	99-03-089	479-112-003	REP-E	99-19-006	479-116-080	REP	99-24-038
479- 20-007	AMD	99-08-021	479-112-003	REP-P	99-20-143	479-120-010	REP-P	99-20-143
479- 20-007	REP-E	99-19-006	479-112-003	REP	99-24-038	479-120-010	REP	99-24-038
479- 20-007	REP-P	99-20-143	479-112-0055	REP-E	99-19-006	479-120-011	REP-P	99-20-143
479- 20-007	REP	99-24-038	479-112-0055	REP-P	99-20-143	479-120-011	REP	99-24-038
479- 20-010	REP-E	99-19-006	479-112-0055	REP	99-24-038	479-120-013	REP-P	99-20-143
479- 20-010	REP-P	99-20-143	479-112-007	REP-E	99-19-006	479-120-013	REP	99-24-038
479- 20-010	REP	99-24-038	479-112-007	REP-P	99-20-143	479-120-016	REP-P	99-20-143
479- 20-011	REP-E	99-19-006	479-112-007	REP	99-24-038	479-120-016	REP	99-24-038
479- 20-011	REP-P	99-20-143	479-112-008	REP-E	99-19-006	479-120-020	REP-P	99-20-143
479- 20-011	REP	99-24-038	479-112-008	REP-P	99-20-143	479-120-020	REP	99-24-038
479- 20-013	REP-E	99-19-006	479-112-008	REP	99-24-038	479-120-025	REP-P	99-20-143
479- 20-013	REP-P	99-20-143	479-112-009	REP-E	99-19-006	479-120-025	REP	99-24-038
479- 20-013	REP	99-24-038	479-112-009	REP-P	99-20-143	479-120-027	REP-P	99-20-143
479- 20-016	REP-E	99-19-006	479-112-009	REP	99-24-038	479-120-027	REP	99-24-038
479- 20-016	REP-P	99-20-143	479-112-010	REP-E	99-19-006	479-120-031	REP-P	99-20-143
479- 20-016	REP	99-24-038	479-112-010	REP-P	99-20-143	479-120-031	REP	99-24-038
479- 20-020	AMD-P	99-03-089	479-112-010	REP	99-24-038	479-120-037	REP-P	99-20-143
479- 20-020	AMD	99-08-021	479-112-017	REP-E	99-19-006	479-120-037	REP	99-24-038
479- 20-020	REP-E	99-19-006	479-112-017	REP-P	99-20-143	479-120-086	REP-P	99-20-143
479- 20-020	REP-P	99-20-143	479-112-017	REP	99-24-038	479-120-086	REP	99-24-038
479- 20-020	REP	99-24-038	479-112-018	REP-E	99-19-006	479-120-089	REP-P	99-20-143
479- 20-025	AMD-P	99-03-089	479-112-018	REP-P	99-20-143	479-120-089	REP	99-24-038
479- 20-025	AMD	99-08-021	479-112-018	REP	99-24-038	479-120-095	REP-P	99-20-143
479- 20-025	REP-E	99-19-006	479-112-020	REP-E	99-19-006	479-120-095	REP	99-24-038
479- 20-025	REP-P	99-20-143	479-112-020	REP-P	99-20-143	479-310-010	REP-E	99-19-006
479- 20-025	REP	99-24-038	479-112-020	REP	99-24-038	479-310-010	REP-P	99-20-143
479- 20-027	REP-E	99-19-006	479-113-010	REP-P	99-20-143	479-310-010	REP	99-24-038
479- 20-027	REP-P	99-20-143	479-113-010	REP	99-24-038	479-310-050	REP-E	99-19-006
479- 20-027	REP	99-24-038	479-113-011	REP-P	99-20-143	479-310-050	REP-P	99-20-143
479- 20-031	REP-E	99-19-006	479-113-011	REP	99-24-038	479-310-050	REP	99-24-038
479- 20-031	REP-P	99-20-143	479-113-029	REP-P	99-20-143	479-310-100	REP-E	99-19-006
479- 20-031	REP	99-24-038	479-113-029	REP	99-24-038	479-310-100	REP-P	99-20-143
479- 20-037	AMD-P	99-03-089	479-113-031	REP-P	99-20-143	479-310-100	REP	99-24-038
479- 20-037	AMD	99-08-021	479-113-031	REP	99-24-038	479-310-150	REP-E	99-19-006
479- 20-037	REP-E	99-19-006	479-113-035	REP-P	99-20-143	479-310-150	REP-P	99-20-143
479- 20-037	REP-P	99-20-143	479-113-035	REP	99-24-038	479-310-150	REP	99-24-038
479- 20-037	REP	99-24-038	479-113-070	REP-P	99-20-143	479-310-200	REP-E	99-19-006
479- 20-086	REP-E	99-19-006	479-113-070	REP	99-24-038	479-310-200	REP-P	99-20-143
479- 20-086	REP-P	99-20-143	479-116-010	REP-P	99-20-143	479-310-200	REP	99-24-038
479- 20-086	REP	99-24-038	479-116-010	REP	99-24-038	479-312-010	REP-E	99-19-006
479- 20-089	REP-E	99-19-006	479-116-015	REP-P	99-20-143	479-312-010	REP-P	99-20-143
479- 20-089	REP-P	99-20-143	479-116-015	REP	99-24-038	479-312-010	REP	99-24-038
479- 20-089	REP	99-24-038	479-116-016	REP-P	99-20-143	479-312-050	REP-E	99-19-006
479- 20-095	REP-E	99-19-006	479-116-016	REP	99-24-038	479-312-050	REP-P	99-20-143
479- 20-095	REP-P	99-20-143	479-116-020	REP-P	99-20-143	479-312-050	REP	99-24-038
479- 20-095	REP	99-24-038	479-116-020	REP	99-24-038	479-312-100	REP-E	99-19-006
479- 24-010	REP-P	99-20-143	479-116-030	REP-P	99-20-143	479-312-100	REP-P	99-20-143
479- 24-010	REP	99-24-038	479-116-030	REP	99-24-038	479-312-100	REP	99-24-038
479- 24-020	REP-P	99-20-143	479-116-035	REP-P	99-20-143	479-312-150	REP-E	99-19-006
479- 24-020	REP	99-24-038	479-116-035	REP	99-24-038	479-312-150	REP-P	99-20-143
479- 24-030	REP-P	99-20-143	479-116-040	REP-P	99-20-143	479-312-150	REP	99-24-038
479- 24-030	REP	99-24-038	479-116-040	REP	99-24-038	479-312-200	REP-E	99-19-006
479- 24-040	REP-P	99-20-143	479-116-045	REP-P	99-20-143	479-312-200	REP-P	99-20-143
479- 24-040	REP	99-24-038	479-116-045	REP	99-24-038	479-312-200	REP	99-24-038
479- 24-050	REP-P	99-20-143	479-116-050	REP-P	99-20-143	479-312-250	REP-E	99-19-006

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
479-312-250	REP-P	99-20-143	479-412-100	REP-E	99-19-006	479-420-020	REP	99-24-038
479-312-250	REP	99-24-038	479-412-100	REP-P	99-20-143	479-420-025	REP-E	99-19-006
479-312-300	REP-E	99-19-006	479-412-100	REP	99-24-038	479-420-025	REP-P	99-20-143
479-312-300	REP-P	99-20-143	479-412-150	REP-E	99-19-006	479-420-025	REP	99-24-038
479-312-300	REP	99-24-038	479-412-150	REP-P	99-20-143	479-420-027	REP-E	99-19-006
479-316-010	REP-E	99-19-006	479-412-150	REP	99-24-038	479-420-027	REP-P	99-20-143
479-316-010	REP-P	99-20-143	479-412-200	REP-E	99-19-006	479-420-027	REP	99-24-038
479-316-010	REP	99-24-038	479-412-200	REP-P	99-20-143	479-420-031	REP-E	99-19-006
479-316-050	REP-E	99-19-006	479-412-200	REP	99-24-038	479-420-031	REP-P	99-20-143
479-316-050	REP-P	99-20-143	479-412-250	REP-E	99-19-006	479-420-031	REP	99-24-038
479-316-050	REP	99-24-038	479-412-250	REP-P	99-20-143	479-420-037	REP-E	99-19-006
479-316-100	REP-E	99-19-006	479-412-250	REP	99-24-038	479-420-037	REP-P	99-20-143
479-316-100	REP-P	99-20-143	479-412-300	REP-E	99-19-006	479-420-037	REP	99-24-038
479-316-100	REP	99-24-038	479-412-300	REP-P	99-20-143	479-420-086	REP-E	99-19-006
479-316-200	REP-E	99-19-006	479-412-300	REP	99-24-038	479-420-086	REP-P	99-20-143
479-316-200	REP-P	99-20-143	479-412-310	REP-E	99-19-006	479-420-086	REP	99-24-038
479-316-200	REP	99-24-038	479-412-310	REP-P	99-20-143	479-420-089	REP-E	99-19-006
479-316-250	REP-E	99-19-006	479-412-310	REP	99-24-038	479-420-089	REP-P	99-20-143
479-316-250	REP-P	99-20-143	479-416-010	REP-E	99-19-006	479-420-089	REP	99-24-038
479-316-250	REP	99-24-038	479-416-010	REP-P	99-20-143	479-420-095	REP-E	99-19-006
479-316-300	REP-E	99-19-006	479-416-010	REP	99-24-038	479-420-095	REP-P	99-20-143
479-316-300	REP-P	99-20-143	479-416-015	REP-E	99-19-006	479-420-095	REP	99-24-038
479-316-300	REP	99-24-038	479-416-015	REP-P	99-20-143	479-510-060	REP-E	99-19-006
479-320-050	REP-E	99-19-006	479-416-015	REP	99-24-038	479-510-060	REP-P	99-20-143
479-320-050	REP-P	99-20-143	479-416-016	REP-E	99-19-006	479-510-060	REP	99-24-038
479-320-050	REP	99-24-038	479-416-016	REP-P	99-20-143	479-510-076	REP-E	99-19-006
479-320-100	REP-E	99-19-006	479-416-016	REP	99-24-038	479-510-076	REP-P	99-20-143
479-320-100	REP-P	99-20-143	479-416-018	REP-E	99-19-006	479-510-076	REP	99-24-038
479-320-100	REP	99-24-038	479-416-018	REP-P	99-20-143	479-510-080	REP-E	99-19-006
479-320-150	REP-E	99-19-006	479-416-018	REP	99-24-038	479-510-080	REP-P	99-20-143
479-320-150	REP-P	99-20-143	479-416-020	REP-E	99-19-006	479-510-080	REP	99-24-038
479-320-150	REP	99-24-038	479-416-020	REP-P	99-20-143	479-510-110	REP-E	99-19-006
479-320-200	REP-E	99-19-006	479-416-020	REP	99-24-038	479-510-110	REP-P	99-20-143
479-320-200	REP-P	99-20-143	479-416-030	REP-E	99-19-006	479-510-110	REP	99-24-038
479-320-200	REP	99-24-038	479-416-030	REP-P	99-20-143	479-510-120	REP-E	99-19-006
479-410-010	REP-E	99-19-006	479-416-030	REP	99-24-038	479-510-120	REP-P	99-20-143
479-410-010	REP-P	99-20-143	479-416-035	REP-E	99-19-006	479-510-120	REP	99-24-038
479-410-010	REP	99-24-038	479-416-035	REP-P	99-20-143	479-510-210	REP-E	99-19-006
479-410-020	REP-E	99-19-006	479-416-035	REP	99-24-038	479-510-210	REP-P	99-20-143
479-410-020	REP-P	99-20-143	479-416-040	REP-E	99-19-006	479-510-210	REP	99-24-038
479-410-020	REP	99-24-038	479-416-040	REP-P	99-20-143	479-510-220	REP-E	99-19-006
479-410-100	REP-E	99-19-006	479-416-040	REP	99-24-038	479-510-220	REP-P	99-20-143
479-410-100	REP-P	99-20-143	479-416-045	REP-E	99-19-006	479-510-220	REP	99-24-038
479-410-100	REP	99-24-038	479-416-045	REP-P	99-20-143	479-510-410	AMD-P	99-03-088
479-410-150	REP-E	99-19-006	479-416-045	REP	99-24-038	479-510-410	AMD	99-08-020
479-410-150	REP-P	99-20-143	479-416-050	REP-E	99-19-006	479-510-410	REP-E	99-19-006
479-410-150	REP	99-24-038	479-416-050	REP-P	99-20-143	479-510-410	REP-P	99-20-143
479-410-160	REP-E	99-19-006	479-416-050	REP	99-24-038	479-510-410	REP	99-24-038
479-410-160	REP-P	99-20-143	479-420-010	REP-E	99-19-006	479-510-420	AMD-P	99-03-088
479-410-160	REP	99-24-038	479-420-010	REP-P	99-20-143	479-510-420	AMD	99-08-020
479-410-170	REP-E	99-19-006	479-420-010	REP	99-24-038	479-510-420	REP-E	99-19-006
479-410-170	REP-P	99-20-143	479-420-011	REP-E	99-19-006	479-510-420	REP-P	99-20-143
479-410-170	REP	99-24-038	479-420-011	REP-P	99-20-143	479-510-420	REP	99-24-038
479-410-180	REP-E	99-19-006	479-420-011	REP	99-24-038	479-510-450	NEW-P	99-03-088
479-410-180	REP-P	99-20-143	479-420-013	REP-E	99-19-006	479-510-450	NEW	99-08-020
479-410-180	REP	99-24-038	479-420-013	REP-P	99-20-143	479-510-460	NEW-P	99-03-088
479-410-200	REP-E	99-19-006	479-420-013	REP	99-24-038	479-510-460	NEW	99-08-020
479-410-200	REP-P	99-20-143	479-420-016	REP-E	99-19-006	479-510-500	REP-E	99-19-006
479-410-200	REP	99-24-038	479-420-016	REP-P	99-20-143	479-510-500	REP-P	99-20-143
479-412-020	REP-E	99-19-006	479-420-016	REP	99-24-038	479-510-500	REP	99-24-038
479-412-020	REP-P	99-20-143	479-420-020	REP-E	99-19-006	480-09-005	NEW	99-05-031
479-412-020	REP	99-24-038	479-420-020	REP-P	99-20-143	480-09-010	AMD	99-05-031

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480-09-012	AMD	99-05-031	480-15-040	AMD-XA	99-14-079	480-66-490	NEW-P	99-15-083
480-09-100	AMD	99-05-031	480-15-040	AMD	99-20-013	480-66-500	NEW-P	99-15-083
480-09-101	NEW	99-05-031	480-30-015	AMD-XA	99-14-079	480-66-510	NEW-P	99-15-083
480-09-115	AMD	99-05-031	480-30-015	AMD	99-20-013	480-66-520	NEW-P	99-15-083
480-09-120	AMD	99-05-031	480-31-100	AMD-XA	99-14-079	480-66-600	NEW-P	99-15-083
480-09-125	AMD	99-05-031	480-31-100	AMD	99-20-013	480-66-620	NEW-P	99-15-083
480-09-130	AMD	99-05-031	480-31-120	AMD-XA	99-14-079	480-70	PREP	99-08-012
480-09-135	AMD	99-05-031	480-31-120	AMD	99-20-013	480-70-055	AMD-XA	99-14-079
480-09-140	AMD	99-05-031	480-31-130	AMD-XA	99-14-079	480-70-055	AMD	99-20-013
480-09-150	AMD	99-05-031	480-31-130	AMD	99-20-013	480-75-005	AMD-XA	99-14-079
480-09-200	AMD	99-05-031	480-31-140	AMD-XA	99-14-079	480-75-005	AMD	99-20-013
480-09-210	AMD	99-05-031	480-31-140	AMD	99-20-013	480-80	PREP	99-19-086
480-09-220	AMD	99-05-031	480-40-015	AMD-XA	99-14-079	480-90	PREP	99-08-052
480-09-230	AMD	99-05-031	480-40-015	AMD	99-20-013	480-92-011	AMD	99-05-016
480-09-337	NEW-S	99-12-112	480-60-010	AMD-P	99-15-083	480-92-016	NEW	99-05-016
480-09-337	NEW	99-24-100	480-60-012	NEW-P	99-15-083	480-92-021	AMD	99-05-016
480-09-340	AMD	99-05-031	480-60-014	NEW-P	99-15-083	480-92-031	AMD	99-05-016
480-09-390	AMD	99-05-031	480-60-020	AMD-P	99-15-083	480-92-041	NEW	99-05-016
480-09-400	AMD	99-05-031	480-60-030	AMD-P	99-15-083	480-92-050	AMD	99-05-016
480-09-410	AMD	99-05-031	480-60-035	NEW-P	99-15-083	480-92-060	AMD	99-05-016
480-09-420	AMD	99-05-031	480-60-040	AMD-P	99-15-083	480-92-070	AMD	99-05-016
480-09-425	AMD	99-05-031	480-60-050	AMD-P	99-15-083	480-92-080	AMD	99-05-016
480-09-426	AMD	99-05-031	480-60-060	AMD-P	99-15-083	480-92-090	AMD	99-05-016
480-09-430	AMD	99-05-031	480-60-070	REP-P	99-15-083	480-92-100	AMD	99-05-016
480-09-440	AMD	99-05-031	480-60-080	AMD-P	99-15-083	480-92-110	AMD	99-05-016
480-09-460	AMD	99-05-031	480-60-090	AMD-P	99-15-083	480-93-010	AMD-XA	99-14-079
480-09-465	AMD	99-05-031	480-60-99002	REP-P	99-15-083	480-93-010	AMD	99-20-013
480-09-466	AMD	99-05-031	480-60-99003	REP-P	99-15-083	480-100	PREP	99-08-105
480-09-467	AMD	99-05-031	480-62	PREP	99-08-053	480-100-076	PREP	99-19-155
480-09-470	AMD	99-05-031	480-62-090	AMD-XA	99-14-079	480-100-186	PREP	99-19-155
480-09-475	AMD	99-05-031	480-62-090	AMD	99-20-013	480-100-191	PREP	99-19-155
480-09-500	AMD	99-05-031	480-66-010	REP-P	99-15-083	480-110-011	REP-W	99-07-053
480-09-510	AMD	99-05-031	480-66-020	REP-P	99-15-083	480-110-011	REP-S	99-12-112
480-09-600	AMD	99-05-031	480-66-030	REP-P	99-15-083	480-110-011	REP	99-24-100
480-09-610	AMD	99-05-031	480-66-040	REP-P	99-15-083	480-110-016	REP-W	99-07-053
480-09-620	AMD	99-05-031	480-66-050	REP-P	99-15-083	480-110-016	REP-S	99-12-112
480-09-700	AMD	99-05-031	480-66-060	REP-P	99-15-083	480-110-016	REP	99-24-100
480-09-705	AMD	99-05-031	480-66-070	REP-P	99-15-083	480-110-018	REP-W	99-07-053
480-09-710	AMD	99-05-031	480-66-100	NEW-P	99-15-083	480-110-018	REP-S	99-12-112
480-09-720	AMD	99-05-031	480-66-110	NEW-P	99-15-083	480-110-018	REP	99-24-100
480-09-730	AMD	99-05-031	480-66-120	NEW-P	99-15-083	480-110-021	REP-W	99-07-053
480-09-735	AMD	99-05-031	480-66-140	NEW-P	99-15-083	480-110-021	REP-S	99-12-112
480-09-736	AMD	99-05-031	480-66-150	NEW-P	99-15-083	480-110-021	REP	99-24-100
480-09-740	AMD	99-05-031	480-66-160	NEW-P	99-15-083	480-110-023	REP-W	99-07-053
480-09-745	AMD	99-05-031	480-66-170	NEW-P	99-15-083	480-110-023	REP-S	99-12-112
480-09-750	AMD	99-05-031	480-66-200	NEW-P	99-15-083	480-110-023	REP	99-24-100
480-09-751	AMD	99-05-031	480-66-210	NEW-P	99-15-083	480-110-026	REP-W	99-07-053
480-09-760	AMD	99-05-031	480-66-220	NEW-P	99-15-083	480-110-026	REP-S	99-12-112
480-09-770	AMD	99-05-031	480-66-230	NEW-P	99-15-083	480-110-026	REP	99-24-100
480-09-780	AMD	99-05-031	480-66-300	NEW-P	99-15-083	480-110-028	REP-W	99-07-053
480-09-800	AMD	99-05-031	480-66-310	NEW-P	99-15-083	480-110-028	REP-S	99-12-112
480-09-810	AMD	99-05-031	480-66-320	NEW-P	99-15-083	480-110-028	REP	99-24-100
480-09-815	AMD	99-05-031	480-66-330	NEW-P	99-15-083	480-110-031	REP-W	99-07-053
480-09-820	AMD	99-05-031	480-66-400	NEW-P	99-15-083	480-110-031	REP-S	99-12-112
480-09-830	REP	99-05-031	480-66-410	NEW-P	99-15-083	480-110-031	REP	99-24-100
480-12-100	REP-W	99-08-085	480-66-420	NEW-P	99-15-083	480-110-032	REP-W	99-07-053
480-12-370	RE-AD	99-08-026	480-66-430	NEW-P	99-15-083	480-110-032	REP-S	99-12-112
480-12-375	REP	99-08-026	480-66-440	NEW-P	99-15-083	480-110-032	REP	99-24-100
480-12-375	REP-W	99-08-085	480-66-450	NEW-P	99-15-083	480-110-036	REP-W	99-07-053
480-14-060	AMD-XA	99-14-079	480-66-460	NEW-P	99-15-083	480-110-036	REP-S	99-12-112
480-14-060	AMD	99-20-013	480-66-470	NEW-P	99-15-083	480-110-036	REP	99-24-100
480-15	PREP	99-22-039	480-66-480	NEW-P	99-15-083	480-110-041	REP-W	99-07-053

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-110-041	REP-S	99-12-112	480-110-151	REP-W	99-07-053	480-110-425	NEW-S	99-12-112
480-110-041	REP	99-24-100	480-110-151	REP-S	99-12-112	480-110-425	NEW	99-24-100
480-110-046	REP-W	99-07-053	480-110-151	REP	99-24-100	480-110-435	NEW-S	99-12-112
480-110-046	REP-S	99-12-112	480-110-156	REP-W	99-07-053	480-110-435	NEW	99-24-100
480-110-046	REP	99-24-100	480-110-156	REP-S	99-12-112	480-110-445	NEW-S	99-12-112
480-110-051	REP-W	99-07-053	480-110-156	REP	99-24-100	480-110-445	NEW	99-24-100
480-110-051	REP-S	99-12-112	480-110-161	REP-W	99-07-053	480-110-455	NEW-S	99-12-112
480-110-051	REP	99-24-100	480-110-161	REP-S	99-12-112	480-110-455	NEW	99-24-100
480-110-056	REP-W	99-07-053	480-110-161	REP	99-24-100	480-110-465	NEW-S	99-12-112
480-110-056	REP-S	99-12-112	480-110-166	REP-W	99-07-053	480-110-465	NEW	99-24-100
480-110-056	REP	99-24-100	480-110-166	REP-S	99-12-112	480-110-475	NEW-S	99-12-112
480-110-061	REP-W	99-07-053	480-110-166	REP	99-24-100	480-110-475	NEW	99-24-100
480-110-061	REP-S	99-12-112	480-110-171	REP-W	99-07-053	480-110-485	NEW-S	99-12-112
480-110-061	REP	99-24-100	480-110-171	REP-S	99-12-112	480-110-485	NEW	99-24-100
480-110-066	REP-W	99-07-053	480-110-171	REP	99-24-100	480-110-495	NEW-S	99-12-112
480-110-066	REP-S	99-12-112	480-110-176	REP-W	99-07-053	480-110-495	NEW	99-24-100
480-110-066	REP	99-24-100	480-110-176	REP-S	99-12-112	480-110-500	NEW-W	99-07-053
480-110-071	REP-W	99-07-053	480-110-176	REP	99-24-100	480-110-510	NEW-W	99-07-053
480-110-071	REP-S	99-12-112	480-110-205	NEW-S	99-12-112	480-110-520	NEW-W	99-07-053
480-110-071	REP	99-24-100	480-110-205	NEW	99-24-100	480-110-530	NEW-W	99-07-053
480-110-076	REP-W	99-07-053	480-110-215	NEW-S	99-12-112	480-110-540	NEW-W	99-07-053
480-110-076	REP-S	99-12-112	480-110-215	NEW	99-24-100	480-110-550	NEW-W	99-07-053
480-110-076	REP	99-24-100	480-110-225	NEW-S	99-12-112	480-110-560	NEW-W	99-07-053
480-110-081	REP-W	99-07-053	480-110-225	NEW	99-24-100	480-110-570	NEW-W	99-07-053
480-110-081	REP-S	99-12-112	480-110-235	NEW-S	99-12-112	480-110-580	NEW-W	99-07-053
480-110-081	REP	99-24-100	480-110-235	NEW	99-24-100	480-110-590	NEW-W	99-07-053
480-110-086	REP-W	99-07-053	480-110-245	NEW-S	99-12-112	480-110-600	NEW-W	99-07-053
480-110-086	REP-S	99-12-112	480-110-245	NEW	99-24-100	480-110-610	NEW-W	99-07-053
480-110-086	REP	99-24-100	480-110-255	NEW-S	99-12-112	480-110-620	NEW-W	99-07-053
480-110-091	REP-W	99-07-053	480-110-255	NEW	99-24-100	480-110-630	NEW-W	99-07-053
480-110-091	REP-S	99-12-112	480-110-265	NEW-S	99-12-112	480-110-640	NEW-W	99-07-053
480-110-091	REP	99-24-100	480-110-265	NEW	99-24-100	480-110-650	NEW-W	99-07-053
480-110-096	REP-W	99-07-053	480-110-275	NEW-S	99-12-112	480-110-660	NEW-W	99-07-053
480-110-096	REP-S	99-12-112	480-110-275	NEW	99-24-100	480-110-670	NEW-W	99-07-053
480-110-096	REP	99-24-100	480-110-285	NEW-S	99-12-112	480-110-680	NEW-W	99-07-053
480-110-101	REP-W	99-07-053	480-110-285	NEW	99-24-100	480-110-690	NEW-W	99-07-053
480-110-101	REP-S	99-12-112	480-110-295	NEW-S	99-12-112	480-110-700	NEW-W	99-07-053
480-110-101	REP	99-24-100	480-110-295	NEW	99-24-100	480-110-710	NEW-W	99-07-053
480-110-111	REP-W	99-07-053	480-110-305	NEW-S	99-12-112	480-110-720	NEW-W	99-07-053
480-110-111	REP-S	99-12-112	480-110-305	NEW	99-24-100	480-110-730	NEW-W	99-07-053
480-110-111	REP	99-24-100	480-110-315	NEW-S	99-12-112	480-110-740	NEW-W	99-07-053
480-110-116	REP-W	99-07-053	480-110-315	NEW	99-24-100	480-110-750	NEW-W	99-07-053
480-110-116	REP-S	99-12-112	480-110-325	NEW-S	99-12-112	480-110-760	NEW-W	99-07-053
480-110-116	REP	99-24-100	480-110-325	NEW	99-24-100	480-110-770	NEW-W	99-07-053
480-110-121	REP-W	99-07-053	480-110-335	NEW-S	99-12-112	480-110-780	NEW-W	99-07-053
480-110-121	REP-S	99-12-112	480-110-335	NEW	99-24-100	480-110-790	NEW-W	99-07-053
480-110-121	REP	99-24-100	480-110-345	NEW-S	99-12-112	480-120	PREP	99-09-027
480-110-126	REP-W	99-07-053	480-110-345	NEW	99-24-100	480-120-052	NEW	99-10-013
480-110-126	REP-S	99-12-112	480-110-355	NEW-S	99-12-112	480-120-058	NEW	99-10-013
480-110-126	REP	99-24-100	480-110-355	NEW	99-24-100	480-120-071	PREP	99-23-110
480-110-131	REP-W	99-07-053	480-110-365	NEW-S	99-12-112	480-120-139	AMD-P	99-07-107
480-110-131	REP-S	99-12-112	480-110-365	NEW	99-24-100	480-120-139	AMD	99-11-070
480-110-131	REP	99-24-100	480-110-375	NEW-S	99-12-112	480-120-139	AMD-P	99-21-057
480-110-136	REP-W	99-07-053	480-110-375	NEW	99-24-100	480-120-144	NEW	99-05-015
480-110-136	REP-S	99-12-112	480-110-385	NEW-S	99-12-112	480-120-151	NEW	99-05-015
480-110-136	REP	99-24-100	480-110-385	NEW	99-24-100	480-120-152	NEW	99-05-015
480-110-141	REP-W	99-07-053	480-110-395	NEW-S	99-12-112	480-120-153	NEW	99-05-015
480-110-141	REP-S	99-12-112	480-110-395	NEW	99-24-100	480-120-154	NEW	99-05-015
480-110-141	REP	99-24-100	480-110-405	NEW-S	99-12-112	480-121	AMD-P	99-07-106
480-110-146	REP-W	99-07-053	480-110-405	NEW	99-24-100	480-121	AMD	99-13-097
480-110-146	REP-S	99-12-112	480-110-415	NEW-S	99-12-112	480-121-010	AMD-P	99-07-106
480-110-146	REP	99-24-100	480-110-415	NEW	99-24-100	480-121-010	AMD	99-13-097

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-121-015	NEW	99-13-097	480-123-410	NEW-W	99-13-095	480-143-050	REP-P	99-03-074
480-121-020	AMD-P	99-07-106	480-123-420	NEW-W	99-13-095	480-143-050	REP	99-08-055
480-121-020	AMD	99-13-097	480-123-430	NEW-W	99-13-095	480-143-060	REP-P	99-03-074
480-121-023	NEW	99-13-097	480-123-440	NEW-W	99-13-095	480-143-060	REP	99-08-055
480-121-026	NEW	99-13-097	480-123-450	NEW-W	99-13-095	480-143-070	REP-P	99-03-074
480-121-030	AMD-P	99-07-106	480-123-460	NEW-W	99-13-095	480-143-070	REP	99-08-055
480-121-030	AMD	99-13-097	480-123-470	NEW-W	99-13-095	480-143-080	REP-P	99-03-074
480-121-040	AMD-P	99-07-106	480-123-480	NEW-W	99-13-095	480-143-080	REP	99-08-055
480-121-040	AMD	99-13-097	480-123-490	NEW-W	99-13-095	480-143-100	NEW-P	99-03-074
480-121-050	REP-P	99-07-106	480-123-500	NEW-W	99-13-095	480-143-100	NEW	99-08-055
480-121-050	AMD	99-13-097	480-123-510	NEW-W	99-13-095	480-143-110	NEW-P	99-03-074
480-121-060	NEW-P	99-07-106	480-123-520	NEW-W	99-13-095	480-143-110	NEW	99-08-055
480-121-060	NEW	99-13-097	480-123-530	NEW-W	99-13-095	480-143-120	NEW-P	99-03-074
480-121-070	NEW-P	99-07-106	480-123-540	NEW-W	99-13-095	480-143-120	NEW	99-08-055
480-121-070	NEW	99-13-097	480-123-550	NEW-W	99-13-095	480-143-130	NEW-P	99-03-074
480-121-080	NEW-P	99-07-106	480-123-560	NEW-W	99-13-095	480-143-130	NEW	99-08-055
480-121-080	NEW-W	99-20-088	480-123-570	NEW-W	99-13-095	480-143-140	NEW-P	99-03-074
480-121-090	NEW-P	99-07-106	480-140	PREP	99-09-028	480-143-140	NEW	99-08-055
480-121-090	NEW-W	99-20-088	480-140-010	AMD-P	99-17-044	480-143-150	NEW-P	99-03-074
480-121-100	NEW-P	99-07-106	480-140-010	AMD	99-23-065	480-143-150	NEW	99-08-055
480-121-100	NEW-W	99-20-088	480-140-015	NEW-P	99-17-044	480-143-160	NEW-P	99-03-074
480-123-015	NEW-W	99-13-095	480-140-015	NEW	99-23-065	480-143-160	NEW	99-08-055
480-123-020	NEW-W	99-13-095	480-140-020	AMD-P	99-17-044	480-143-170	NEW-P	99-03-074
480-123-030	NEW-W	99-13-095	480-140-020	AMD	99-23-065	480-143-170	NEW	99-08-055
480-123-040	NEW-W	99-13-095	480-140-030	AMD-P	99-17-044	480-143-180	NEW-P	99-03-074
480-123-050	NEW-W	99-13-095	480-140-030	AMD	99-23-065	480-143-180	NEW	99-08-055
480-123-060	NEW-W	99-13-095	480-140-040	AMD-P	99-17-044	480-143-190	NEW-P	99-03-074
480-123-070	NEW-W	99-13-095	480-140-040	AMD	99-23-065	480-143-190	NEW	99-08-055
480-123-080	NEW-W	99-13-095	480-140-050	REP-P	99-17-044	480-143-200	NEW-P	99-03-074
480-123-085	NEW-W	99-13-095	480-140-050	REP	99-23-065	480-143-200	NEW	99-08-055
480-123-090	NEW-W	99-13-095	480-140-060	REP-P	99-17-044	480-143-210	NEW-P	99-03-074
480-123-100	NEW-W	99-13-095	480-140-060	REP	99-23-065	480-143-210	NEW	99-08-055
480-123-110	NEW-W	99-13-095	480-140-070	REP-P	99-17-044	480-143-990	REP-P	99-03-074
480-123-120	NEW-W	99-13-095	480-140-070	REP	99-23-065	480-143-990	REP	99-08-055
480-123-130	NEW-W	99-13-095	480-140-080	AMD-P	99-17-044	480-146-010	REP-P	99-03-073
480-123-140	NEW-W	99-13-095	480-140-080	AMD	99-23-065	480-146-010	REP	99-08-054
480-123-150	NEW-W	99-13-095	480-140-090	REP-P	99-17-044	480-146-020	REP-P	99-03-073
480-123-160	NEW-W	99-13-095	480-140-090	REP	99-23-065	480-146-020	REP	99-08-054
480-123-170	NEW-W	99-13-095	480-140-100	REP-P	99-17-044	480-146-030	REP-P	99-03-073
480-123-180	NEW-W	99-13-095	480-140-100	REP	99-23-065	480-146-030	REP	99-08-054
480-123-190	NEW-W	99-13-095	480-140-110	REP-P	99-17-044	480-146-040	REP-P	99-03-073
480-123-200	NEW-W	99-13-095	480-140-110	REP	99-23-065	480-146-040	REP	99-08-054
480-123-210	NEW-W	99-13-095	480-140-120	REP-P	99-17-044	480-146-050	REP-P	99-03-073
480-123-220	NEW-W	99-13-095	480-140-120	REP	99-23-065	480-146-050	REP	99-08-054
480-123-230	NEW-W	99-13-095	480-140-130	REP-P	99-17-044	480-146-060	REP-P	99-03-073
480-123-240	NEW-W	99-13-095	480-140-130	REP	99-23-065	480-146-060	REP	99-08-054
480-123-250	NEW-W	99-13-095	480-140-140	REP-P	99-17-044	480-146-070	REP-P	99-03-073
480-123-260	NEW-W	99-13-095	480-140-140	REP	99-23-065	480-146-070	REP	99-08-054
480-123-270	NEW-W	99-13-095	480-140-150	REP-P	99-17-044	480-146-080	REP-P	99-03-073
480-123-280	NEW-W	99-13-095	480-140-150	REP	99-23-065	480-146-080	REP	99-08-054
480-123-290	NEW-W	99-13-095	480-140-160	REP-P	99-17-044	480-146-090	REP-P	99-03-073
480-123-300	NEW-W	99-13-095	480-140-160	REP	99-23-065	480-146-090	REP	99-08-054
480-123-310	NEW-W	99-13-095	480-140-170	REP-P	99-17-044	480-146-091	REP-P	99-03-073
480-123-320	NEW-W	99-13-095	480-140-170	REP	99-23-065	480-146-091	REP	99-08-054
480-123-330	NEW-W	99-13-095	480-143-010	REP-P	99-03-074	480-146-095	REP-P	99-03-073
480-123-340	NEW-W	99-13-095	480-143-010	REP	99-08-055	480-146-095	REP	99-08-054
480-123-350	NEW-W	99-13-095	480-143-020	REP-P	99-03-074	480-146-200	REP-P	99-03-073
480-123-360	NEW-W	99-13-095	480-143-020	REP	99-08-055	480-146-200	REP	99-08-054
480-123-370	NEW-W	99-13-095	480-143-030	REP-P	99-03-074	480-146-210	REP-P	99-03-073
480-123-380	NEW-W	99-13-095	480-143-030	REP	99-08-055	480-146-210	REP	99-08-054
480-123-390	NEW-W	99-13-095	480-143-040	REP-P	99-03-074	480-146-220	REP-P	99-03-073
480-123-400	NEW-W	99-13-095	480-143-040	REP	99-08-055	480-146-220	REP	99-08-054

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-146-230	REP-P	99-03-073	490-500-070	REP	99-18-053	490-500-430	REP-P	99-12-030
480-146-230	REP	99-08-054	490-500-080	PREP	99-06-081	490-500-430	REP	99-18-053
480-146-240	NEW-P	99-03-073	490-500-080	REP-P	99-12-030	490-500-435	PREP	99-06-081
480-146-240	NEW	99-08-054	490-500-080	REP	99-18-053	490-500-435	REP-P	99-12-030
480-146-250	NEW-P	99-03-073	490-500-170	PREP	99-06-081	490-500-435	REP	99-18-053
480-146-250	NEW	99-08-054	490-500-170	REP-P	99-12-030	490-500-437	PREP	99-06-081
480-146-260	NEW-P	99-03-073	490-500-170	REP	99-18-053	490-500-437	REP-P	99-12-030
480-146-260	NEW	99-08-054	490-500-180	PREP	99-06-081	490-500-437	REP	99-18-053
480-146-270	NEW-P	99-03-073	490-500-180	REP-P	99-12-030	490-500-445	PREP	99-06-081
480-146-270	NEW	99-08-054	490-500-180	REP	99-18-053	490-500-445	REP-P	99-12-030
480-146-280	NEW-P	99-03-073	490-500-185	PREP	99-06-081	490-500-445	REP	99-18-053
480-146-280	NEW	99-08-054	490-500-185	REP-P	99-12-030	490-500-450	PREP	99-06-081
480-146-290	NEW-P	99-03-073	490-500-185	REP	99-18-053	490-500-450	REP-P	99-12-030
480-146-290	NEW	99-08-054	490-500-190	PREP	99-06-081	490-500-450	REP	99-18-053
480-146-300	NEW-P	99-03-073	490-500-190	REP-P	99-12-030	490-500-455	PREP	99-06-081
480-146-300	NEW	99-08-054	490-500-190	REP	99-18-053	490-500-455	REP-P	99-12-030
480-146-310	NEW-P	99-03-073	490-500-200	PREP	99-06-081	490-500-455	REP	99-18-053
480-146-310	NEW	99-08-054	490-500-200	REP-P	99-12-030	490-500-460	PREP	99-06-081
480-146-320	NEW-P	99-03-073	490-500-200	REP	99-18-053	490-500-460	REP-P	99-12-030
480-146-320	NEW	99-08-054	490-500-205	PREP	99-06-081	490-500-460	REP	99-18-053
480-146-330	NEW-P	99-03-073	490-500-205	REP-P	99-12-030	490-500-465	PREP	99-06-081
480-146-330	NEW	99-08-054	490-500-205	REP	99-18-053	490-500-465	REP-P	99-12-030
480-146-340	NEW-P	99-03-073	490-500-257	PREP	99-06-081	490-500-465	REP	99-18-053
480-146-340	NEW	99-08-054	490-500-257	REP-P	99-12-030	490-500-470	PREP	99-06-081
480-146-350	NEW-P	99-03-073	490-500-257	REP	99-18-053	490-500-470	REP-P	99-12-030
480-146-350	NEW	99-08-054	490-500-260	PREP	99-06-081	490-500-470	REP	99-18-053
480-146-360	NEW-P	99-03-073	490-500-260	REP-P	99-12-030	490-500-475	PREP	99-06-081
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